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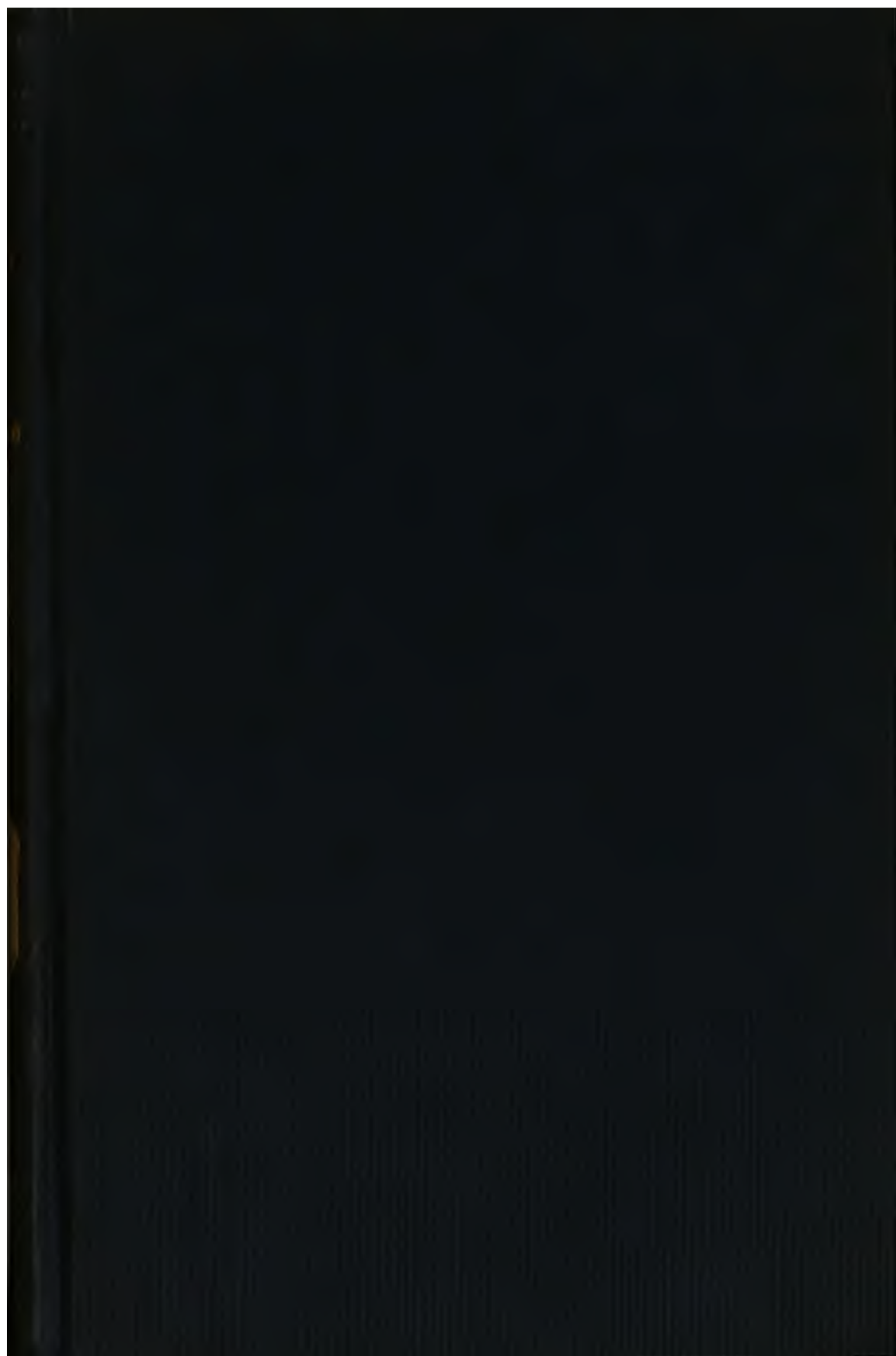
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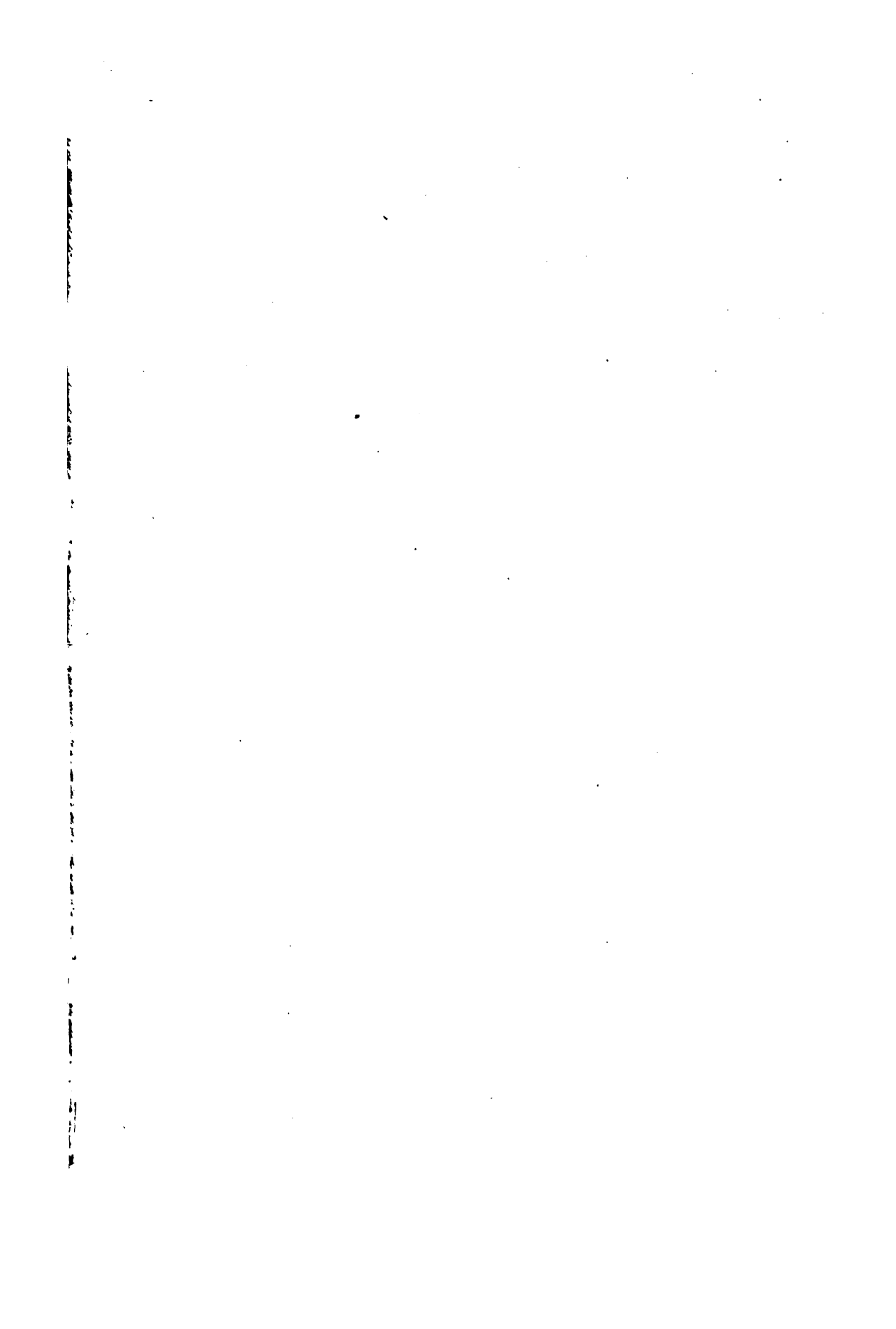




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1915



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INVESTIGATION OF THE CONDUCT OF THE EXCISE
BOARD OF THE DISTRICT OF COLUMBIA

HEARINGS

BEFORE THE

SPECIAL COMMITTEE OF THE
UNITED STATES SENATE

SIXTY-THIRD CONGRESS

THIRD SESSION

PURSUANT TO

191
500

S. RES. 522

A RESOLUTION AUTHORIZING THE SPECIAL COMMITTEE OF
THE SENATE TO INVESTIGATE FULLY INTO THE MAN-
NER IN WHICH THE EXCISE LAW, SO CALLED,
IS BEING ADMINISTERED IN THE
DISTRICT OF COLUMBIA

PART 1

Printed for the use of the Special Committee

WASHINGTON:
GOVERNMENT PRINTING OFFICE

1915

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1915

SPECIAL COMMITTEE.

MORRIS SHEPPARD, Texas, *Chairman*.

WILLIAM HUGHES, New Jersey.

WESLEY L. JONES, Washington.

WILLIAM H. THOMPSON, Kansas.

WILLIAM P. DILLINGHAM, Vermont.

**O. OF O.
OCT 21 1915**

2-25 Nov. 14/5

INVESTIGATION OF THE CONDUCT OF THE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

TUESDAY, FEBRUARY 23, 1915.

SPECIAL COMMITTEE,
UNITED STATES SENATE,
Washington, D. C.

The special committee met at 2 o'clock p. m., in the room of the Committee on Indian Affairs of the United States Senate, in the Capitol.

Present: Senators Sheppard (chairman), Thompson, Jones, and Dillingham.

The CHAIRMAN. Gentlemen, the committee will come to order. With the consent of the committee a copy of the resolution authorizing this investigation will be here set out in the record.

The resolution is as follows:

[S. Res. 522.]

Resolved. That the special committee appointed by the President of the Senate to investigate the conduct of the excise board is hereby further authorized to investigate fully into the manner in which the excise law, so called, is being administered in the District of Columbia, and said committee is hereby authorized to send for persons and papers, to administer oaths, to compel the attendance of witnesses, to employ stenographers to report such hearings as may be had at a rate not to exceed \$1 per printed page. The expense of such hearings shall be paid out of the contingent expenses of the Senate, upon vouchers to be approved by the chairman of the said special committee. The said committee is also authorized to sit during the sessions of the Senate.

Senator JONES. Mr. Chairman, I move that if anyone except a member of the committee desires to ask any witness any question, such question shall be reduced to writing and handed to the chairman.

(The motion being seconded, the question was taken and the motion was agreed to.)

The CHAIRMAN. Gentlemen, I have asked Mr. Waldo C. Hibbs, the inspector for the excise board, to appear to-day and testify. He is here, and I will ask him to take the stand and be sworn.

TESTIMONY OF WALDO C. HIBBS.

(The witness was sworn by the chairman.)

The CHAIRMAN. Mr. Hibbs, state your full name and your local address?

Mr. HIBBS. Waldo C. Hibbs, No. 3016 Dumbarton Avenue NW.

The CHAIRMAN. What is your official position?

Mr. HIBBS. Inspector for the excise board.

The CHAIRMAN. When were you appointed?

Mr. HIBBS. About September 4; early in September. I can get that exact date for the record later.

The CHAIRMAN. What year?

Mr. HIBBS. 1913; a year ago this September.

The CHAIRMAN. When did the present board begin operations?

Mr. HIBBS. About September 4. It was appointed, but there was some delay about getting the exact members, and it did not get down to work.

The CHAIRMAN. You were appointed by the board?

Mr. HIBBS. Yes, sir.

The CHAIRMAN. What are your duties?

Mr. HIBBS. My duties are as inspector under the direction of the board to do what the board tells me to do. That is what I have always understood, in general.

The CHAIRMAN. Does the law authorizing your appointment specify your duties?

Mr. HIBBS. The law says that the inspector shall make inspections by direction of the excise board.

The CHAIRMAN. Shall make inspections?

Mr. HIBBS. Yes.

The CHAIRMAN. Of what?

Mr. HIBBS. Of licensed places.

The CHAIRMAN. Have you been assigned any other work besides that of inspecting saloons?

Mr. HIBBS. I have, sir.

The CHAIRMAN. What work is that?

Mr. HIBBS. That of reporting stenographically the hearings before the excise board in regard to licenses.

The CHAIRMAN. What connection has that work with the work of an inspector?

Mr. HIBBS. It was simply a part of the work that had to be done, in view of the great pressure the first year upon the excise board, and its lack of more clerical force.

The CHAIRMAN. As a matter of fact, then, the stenographic work has no necessary relation to inspection work?

Mr. HIBBS. Not necessarily, except as part of the record of the particular licensed places to which each hearing would refer.

The CHAIRMAN. I understand, but the clerical work of taking down these hearings is really not a part of the inspection work?

Mr. HIBBS. Not so stipulated in the law; no.

The CHAIRMAN. How many of those hearings did you take down?

Mr. HIBBS. I think I have the record here so far of 763 hearings, some lasting nearly all day, the average being an hour or an hour and a half or five hours.

The CHAIRMAN. Please read the paragraph in the law there authorizing your appointment as inspector.

Mr. HIBBS. It is paragraph 3 of the law, which reads as follows:

Par. 3. That the said board shall appoint a clerk at a salary of \$1,500 per annum and an inspector with police powers at a salary of \$1,500 per annum. Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge indicating that he is such inspector of the excise board. The board shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

The CHAIRMAN. Have you your badge with you?

Mr. HIBBS. No, sir; I haven't it with me.

The CHAIRMAN. How is that?

Mr. HIBBS. I haven't it with me to-day.

The CHAIRMAN. What kind of a badge is that?

Mr. HIBBS. It is a small badge that was made some time ago, of a general shield shape; not like a policeman's badge. It is a special badge that was made.

The CHAIRMAN. How much of your time has been taken up in taking down these hearings?

Mr. HIBBS. There have been hearings before the board for months at a time, every day, with lapses between, and sometimes I was all day at hearings, and there would be five or six hearings a day, and again sometimes a hearing would take all day. That is about the best I can say. Of course, I have been engaged on other matters, in routing out the inspections for the members of the board themselves who made inspections of all transfer places, and special matters that came up in which they wished to be particularly informed; and they inspected also personally all licensed places when the time came for applications for renewals—when applications for renewal had been made, I should say. They went out and inspected all places.

The CHAIRMAN. Are you a stenographer?

Mr. HIBBS. Yes, fair; I will not say that I am an expert.

The CHAIRMAN. You found all of the 130 saloons you inspected to be complying with the regulations and with the law?

Mr. HIBBS. I did, so far as the law is concerned; and as to matters of better administration, you will find many things of that sort on the reports.

The CHAIRMAN. And you were not required to inspect the remaining saloons for which you have no reports here?

Mr. HIBBS. No, sir; from the fact that it was impossible to do both.

The CHAIRMAN. It was impossible to do the clerical work they assigned to you, and the inspecting work for which you were appointed?

Mr. HIBBS. Yes, sir.

Senator THOMPSON. You say there are 300 saloons in the city?

Mr. HIBBS. Known as barrooms in the law; yes, sir.

Senator THOMPSON. Including barrooms in hotels and restaurants and places of that kind?

Mr. HIBBS. Oh, they have all to come under what is called the barroom license.

Senator THOMPSON. In that number you include everything?

Mr. HIBBS. Yes; all except wholesale places.

Senator THOMPSON. How long has that number been maintained at 300?

Mr. HIBBS. Since November 1.

Senator THOMPSON. Since November 1 of last year?

Mr. HIBBS. No; this past November. The law says that beginning in November, 1914, there shall not be more than 300 saloons.

Senator THOMPSON. Do you maintain it at that figure all the time?

Mr. HIBBS. We can not go above that.

Senator THOMPSON. Do you ever go below it?

Mr. HIBBS. There were 297 granted the 1st of November, and then there were 3 that have been added since then.

Senator THOMPSON. It is the purpose of the board, then, to keep it at the maximum number?

Mr. HIBBS. Now, I could not answer for the board.

Senator THOMPSON. That is what they seem to intend, by making it 300 since November.

Mr. HIBBS. I would rather have you ask them.

Senator THOMPSON. That is what they did?

Mr. HIBBS. They have granted up to this time 300 barroom licenses.

Senator THOMPSON. If one of them should go out of business, you would inspect another place to see if it could go in; is that it?

Mr. HIBBS. No; not unless application were made for it.

Senator THOMPSON. Are there not applications now for a large number more?

Mr. HIBBS. Not for originals; no, sir; only for transfers. I think there are about 80 applications pending for transfers.

Senator THOMPSON. Your principal duty, as I understand it, is to take down the proceedings when the board is hearing on these applications?

Mr. HIBBS. Yes, sir; and any incidental clerical work. Of course that reaches out and includes other work.

Senator THOMPSON. Have you made transcripts in any cases?

Mr. HIBBS. I have made various transcripts.

Senator THOMPSON. Have you them with you?

Mr. HIBBS. No; I was not asked to bring them up.

Senator THOMPSON. Would not the committee like to have them?

The CHAIRMAN. Yes; we are going to ask for them from the commissioners.

Senator THOMPSON. He said that he had made transcripts, and I thought maybe he would bring them up. You have access to them?

Mr. HIBBS. Yes; they are part of what you call the minutes of the board.

Senator THOMPSON. What is the principal proceeding on an application?

Mr. HIBBS. The application is filed in due form according to the provisions of the act, the place is posted for at least 15 days, all protestants are notified that hearing will be held, the licensee is notified.

Senator THOMPSON. Notified in what way?

Mr. HIBBS. Well, usually by a little written notice. The hearing being set for a particular time they appear and the board hears the applicants and those persons who are against the granting of the license.

Senator THOMPSON. When you make this personal inspection that you claim to have made in these 130 cases, what do you do? What did you do there?

Mr. HIBBS. I go into a place and I do not announce myself. I go into a place—and I am quite well known to all licensees, however—look about and see that things are sanitary; that there is no disorder there; that the place is apparently being conducted in a proper manner, and make a few notes on a sheet of paper or in a book, or whatever I have with me, and then later transcribe it to the permanent record.

Senator THOMPSON. Then is there a hearing afterwards on that?

Mr. HIBBS. No; I do not examine the places which are proposed to be licensed. The board does that, personally.

Senator THOMPSON. That was my understanding of it. Then, I understood wrong.

Mr. HIBBS. These, you understand, are the routine day-to-day examinations. The reports which you have in your hand are the reports of the routine day-to-day examinations.

Senator THOMPSON. I got a wrong impression from your testimony. I thought you had examined 130 of these places as inspector?

Mr. HIBBS. No; I have examined simply 130 licensed places under the provisions—

Senator JONES. You examined them after the licenses were granted instead of before?

Mr. HIBBS. After the licenses were granted. The board itself looked into all places where licenses were to be granted.

Senator THOMPSON. Then you do not know anything about what they do?

Mr. HIBBS. The board itself? No, sir.

Senator THOMPSON. You do not have anything to do with that part of it, except to take down hearings?

Mr. HIBBS. No, sir.

Senator THOMPSON. I got a wrong impression from your testimony.

The CHAIRMAN. As a matter of fact, most of his time has been taken up with stenographic work in connection with the hearings, when his duty as inspector would necessitate his examining these saloons from time to time—the entire 300?

Mr. HIBBS. Yes, sir.

Senator THOMPSON. Are you the inspector who is appointed under paragraph 3 of the excise law?

Mr. HIBBS. As inspector. You notice paragraph 3 says:

The board shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

Somebody had to do that work.

Senator JONES. What about this clerk who is provided for at \$1,500 a year?

Mr. HIBBS. He has a great deal to do.

Senator JONES. Did not he do any of that work?

Mr. HIBBS. Incidentally, in connection with it; he did a good deal.

Senator JONES. What has he to do?

Mr. HIBBS. He has records to keep; he has various errands for the board. I think you will find he has a good deal to do.

Senator JONES. Did he not take any of this testimony on applications?

Mr. HIBBS. No, sir.

Senator JONES. He did not take any of that?

Mr. HIBBS. No, sir.

Senator JONES. What was he doing when all those hearings were being held?

Mr. HIBBS. There is a good deal more work than hearings going on in the board.

Senator JONES. That is clerical work, is it not?

Mr. HIBBS. Yes, sir.

Senator JONES. You did not understand you were to do stenographic work when you were appointed as inspector with police powers?

Mr. HIBBS. It was found afterwards that this would have to be done.

Senator JONES. And that the clerk they had appointed could not do it?

Mr. HIBBS. There was nothing stated about appointing a clerk who was a stenographer, that I recall.

Senator JONES. So that the clerk they appointed could not do those things, anyway?

Mr. HIBBS. You understand that the record that was kept under the old law was not a stenographic record?

Senator JONES. I understand.

Mr. HIBBS. It was decided after this board came in——

Senator JONES. I understand.

Mr. HIBBS (continuing). And after I was there, that it would be best to take a stenographic record, and they did that.

Senator JONES. Why did they not have the clerk do it?

Mr. HIBBS. I doubt if that was—I do not know anything about that being in contemplation previous to that time.

Senator JONES. They have made out of you practically a clerk, have they not, thus far?

Mr. HIBBS. I have had a great deal of clerical work to do.

Senator JONES. Yes. Now, you have not made any inspections since the 1st of November to see specially how these saloons were conducted and whether they were complying with the law, have you?

Mr. HIBBS. Not this year.

Senator JONES. No. Has the board ever issued any directions to you with reference to that?

Mr. HIBBS. I have received no written instructions; no, sir.

Senator JONES. Have you received oral instructions? You see, the law says:

Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board.

Have they issued any instructions to you with reference to inspecting saloons to see whether or not they were complying with the law?

Mr. HIBBS. They have not ordered me to get out and inspect the saloons; no. My work has kept me there.

Senator JONES. In the office?

Mr. HIBBS. A great deal. I have been out incidentally to look up any little matter, very often that did not require any report.

Senator JONES. You have not gone out, however, for the specific work of going around with police powers to see that the saloons were complying with the law?

Mr. HIBBS. No, sir; except as the reports I have brought here show you.

Senator JONES. You have not done any of that since November?

Mr. HIBBS. Not since November. We had 523 hearings to write up for this last year.

Senator JONES. Yes; I understand that. I do not understand that was your duty as inspector under the law, though apparently that is what they have made your duties to be. Did you not understand

when you were appointed inspector under the law that it was largely your duty to see that saloons were complying with the law as an inspector?

Mr. HIBBS. Under the orders of the board?

Senator JONES. Yes, certainly; but the board has not issued any orders as a matter of fact, and since the 1st of November you have not been making any investigations to see whether they were complying with the law or not?

Mr. HIBBS. No, not this year—this license year—I have not.

The CHAIRMAN. Did they ever ask you to inspect conditions in the saloon in the Hotel Grand?

Mr. HIBBS. No; they have not.

The CHAIRMAN. Did they ever ask you to inspect the conduct of the Hotel Ebbitt in the conducting of its bar and the serving of liquors?

Mr. HIBBS. They have not.

The CHAIRMAN. Or the Tremont?

Mr. HIBBS. No, sir.

The CHAIRMAN. Have they directed you to investigate the charges regarding certain saloons being on nonbusiness streets or in residence districts?

Mr. HIBBS. No, sir; that I do not believe is a part of my labors. That would be a judgment of the board itself.

The CHAIRMAN. But they have not asked you to do that with any inspection?

Mr. HIBBS. No, sir.

The CHAIRMAN. Have you examined at any time conditions in Jackson Alley?

Mr. HIBBS. I have not.

The CHAIRMAN. Or have you examined conditions in Wileys Court?

Mr. HIBBS. No, sir.

The CHAIRMAN. Or in Snows Court?

Mr. HIBBS. No, sir. Those things are brought out by testimony at hearings when applications for licenses in such neighborhoods are made.

The CHAIRMAN. I understand, but facts may afterwards develop to show those alleys have become such unfit places that saloons shall not operate within a certain distance of them, under the spirit of the law.

Mr. HIBBS. The board, as I understand, has examined all locations where there have been applications for transfer or license, particularly—

The CHAIRMAN. I am not asking you about that. I am asking you about the examination of conditions after licenses are granted.

Mr. HIBBS. No, sir.

The CHAIRMAN. Do you know anything about the so-called jug trade in the residence districts in connection with the so-called whole-sale saloons?

Mr. HIBBS. I do not.

The CHAIRMAN. Do you know anything about whether the saloons—any of the saloons—are violating the regulations with reference to obscene pictures?

Mr. HIBBS. In all cases where I had noticed any picture that was suggestive—I did not notice any obscene pictures, as I recall—I have suggested to the licensee that he remove it, and in all cases that has been done.

The CHAIRMAN. You have made no observations, however, of that character, since November?

Mr. HIBBS. No. I know that the board itself ordered out numbers of pictures, especially in cases where they were large pictures or costly—had cost the owner some money—and——

The CHAIRMAN. The law requires saloons on Sundays and holidays to have all screens removed from their windows. Have you made any investigation of that since November?

Mr. HIBBS. I have not. The police are particularly interested in that.

Senator JONES. Why do you suppose the law gave you police powers if it did not expect you to see whether the law was being violated or not?

Mr. HIBBS. In the event of any occasion to exercise those powers.

Senator JONES. How would you know whether you had any occasion to exercise them if you did not make some investigation or some inspection? As I understand your position, you understand you are not to make these inspections except upon the order of the board; is that correct?

Mr. HIBBS. That is what I understood.

Senator JONES. And they have not issued any orders to you?

Mr. HIBBS. They have not done so.

Senator DILLINGHAM. I have had handed to me what purports to be inspection reports, in which I see the phrase is commonly used, "No comment necessary." What does that mean?

Mr. HIBBS. That means where there was nothing noted out of the way or necessary to be referred to in the report.

The CHAIRMAN. I believe that is all now, Mr. Hibbs.

Mr. HIBBS. I hope that I have answered to your satisfaction.

(The witness was excused.)

The CHAIRMAN. Gentlemen of the committee, I wish at this point to put into the record a letter addressed to the district surveyor asking him to measure the distances between certain saloons and houses of worship, public schoolhouses, colleges, and universities, following the shortest course of travel, the shortest course a person would walk from the entrance over a public right of way. A list of saloons, which I have given him, embodies a list that was presented by Senator Jones in his speech in the Senate the other day, the speech which led to the motion for this investigation. The district surveyor is now at work on that matter, and in order to have the record complete my letter to him will be inserted at this point.

(At 2 p. m. the committee took a recess until 4 o'clock p. m.)

(The letter above referred to by the chairman is here printed in the record in full, as follows:)

FEBRUARY 22, 1915.

MY DEAR SIR: You are hereby requested by the Excise Investigation Committee of the United States Senate to measure the distances in feet between the saloons and houses of religious worship, public school houses, colleges, and universities mentioned below, following the shortest course a person may walk from entrance to entrance over a public right of way. In measuring between entrances you will please use the entrance

in the saloons nearest the houses mentioned and the entrance in the said houses the nearest to the saloons:

John J. Allen, 807 North Capitol Street, St. Aloysius Church.
 Michael Daley, 1319 Seventh Street NW., Church of the Immaculate Conception.
 John D. O'Connor, 918 Ninth Street NW., College of Pharmacy.
 August H. Plugge, 1317 Seventh Street NW., Church of the Immaculate Conception.
 John J. Brosnan, 506 Four-and-a-half Street NW., Jewish church on E Street.
 James J. O'Donnell, 333 Pennsylvania Avenue SE., Metropolitan Presbyterian Church.

Patrick J. McDonald, 643 Pennsylvania Avenue SE., Wallach Public School.
 John G. Graff, 222 Seventh Street SE., Eastern High School.
 W. J. & Jeremiah Costello, 600 G Street NW., Greek Catholic Church.
 Margaret Casey, 114 H Street NW., public school.
 John T. O'Day, 921 Ninth Street NW., College of Pharmacy.
 John F. Schriener, 730 Fourteenth Street NW., New York Avenue Church.
 Mart T. Schulz, 607 G Street NW., Greek Church.
 John F. Killeen, 1314 Wisconsin Avenue, Methodist Episcopal Church.
 Chas. H. Morris, 2029 K Street NW., Stevens Public School.
 Robt. H. Snook, 825 Seventh Street NW., Calvary Baptist Church.
 Frank P. Poch, 900 Four-and-a-half Street SW., public school house.
 Hugh F. Harvey, 1913 Pennsylvania Avenue NW., Union Methodist Episcopal Church.

John E. Mergner, 415 East Capitol Street SE., public school.
 John J. Daley, 306 Sixth Street NW., Central Union Mission.
 Luther H. McMillan, 1421 G Street NW., Success Shorthand School, Temple Business School.

*Frank L. Ash, 1330 Twenty-eighth Street NW.
 *Eugent T. Lyddans, 1422 Wisconsin Avenue.
 *Lawrence A. McCormick, 327 Pennsylvania Avenue SE.
 *Henry S. Byrd & Martin J. Barry, 521 G Street NW.
 *Wm. Herman, 1519 Seventeenth Street NW.

With respect to the last five locations marked (*), wholesale places, give nearest distance as above to nearest church, school, or college.

Yours, very truly,

Chairman Investigation Committee.

Mr. M. C. Hazen,
 District Surveyor, Washington, D. C.

The reports of Mr. Hibbs, as inspector, submitted by him, are as follows;

OFFICE OF THE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

INSPECTOR'S REPORTS.

DECEMBER 5, 1913.

4 B. R. 1343 E NW. Ernst Gerstenberg. Inspected p. m. No comment necessary.

W. C. HIBBS,
 Inspector Excise Board, D. C.

DEC. 5, 1913.

7 B. 1331-1333 E NW. Shoomaker Co. (Inc.). Inspected p. m. Aug. W. Noack, Pr. No comment necessary.

W. C. HIBBS,
 Inspector Excise Board, D. C.

MAY 28, 1914.

B 9. Michael Morris, 3004 M NW. Mixed trade. General repairs being made; toilet included. Condition good.

W. C. HIBBS,
 Inspector Excise Board, D. C.

MAY 26, 1914.

B 16. John J. Sullivan, 1331 35th NW. Toilet good. Condition excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

26 B. R. 922 Pa. Ave. NW. Geo. J. Bessler. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

33 B. Patrick J. O'Keefe, 904 Pa. Ave. NW. Inspection p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

41 B. Chas. K. Heath (Charles Hotel). Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

44 B. R. Levi Woodbury, 6th and Pa. Ave. NW., St. James Hotel. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

48 B. 1338 14th NW. John F. Meenehan Co. Toilet to be refitted. Colored and white trade; continuous bar.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 26, 1914.

B 51. George T. Harper. 3285 M NW. White trade. Toilet good. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 26, 1914.

B 60. Patrick F. Carr. 3605 M NW. White trade. Toilet excellent. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

77 B. 350 Pa. Ave. NW. Michael J. Lynch. Inspected above date a. m. Licensee advised to have toilet painted or kalsomined.

W. C. HIBBS,
Inspector Excise Board, D. C.

FEB. 6, 1914.

94 B. 601-3 7th NW. Myer M. Stern. Inspected. Complaint as to nuisance of toilet use by customers made by tenants of 637½ F NW. Found toilet of bar connected with public hallway of office building in which barroom situated, and was in effect public toilet. It was suggested to licensee that door to public hallway be kept closed and locked. Licensee agreed to this, admitting that toilet had become a public one for neighborhood, though supposed to belong to his premises.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913.

98 BR. R. 1312 E NW. Louis P. Costley. Inspection p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

103 B. John Fitzmorris, pres. 640 Pa. Ave. NW. Commercial Ho. Co., Inc. H. E. E. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

B 105. Wm. Xander, 3233 M NW. Toilet in process of change. Conditions fair.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

106 B. R. Edelin, Wm. J., 348 Pa. Av. NW. Inspected above date a. m. No comment necessary. Licensee advised as to necessity for clean toilets in barrooms.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

111 B. R. Herman C. Ewald, 604 Pa. Ave NW. No comment necessary. Extra entrance granted Mar. 5, 1914.

INSPECTOR EXCISE BOARD, D. C.

APRIL 29, 1914.

B 115. 918 9th St., NW. John D. O'Connor. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

120 B. Mades, Charles. 300 Pa. Ave., NW. Inspected above date a. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 124. Tim. H. O'Connor, 1217 E, NW. Mixed trade. Toilet to be changed. Fair. Rear yard not used by licensee. Conditions there bad. H. O. notified. Conditions fair.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

135 B. Hotel. 301 Pa. Av., NW. John Zirwes, Hotel Vendome. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 136. Fritz Herzog, 1115 E, NW. White trade. Rest toilet excellent. Ordered to close one door or make application for E. E. Application made and E. E. granted. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

B 140. 1015 I, NW. Rest. Frank Endres. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

142 B. 1917 14th St., NW. Robt. Allen. Toilet about to be moved upstairs.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

144 B. Michael M. Lyons, 906 Pa. Ave. NW. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 145. Wm. R. Fosbender, 406 9th NW. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

150 B. Nevasser, I. M., 215 Pa. Ave. NW. Inspected above date a. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 28, 1914.

B 152. Francis J. Stanton, 1205 Wis. Ave. NW. Toilet suggested be refinished. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

B 154. 1412 N. Y. Ave. NW. Rest. Chas. A. Eckstein. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 160. Ward Savage. 444 9th NW. Toilet good. Condition excellent.

W. C. HIBBS,
Inspector Excise Board, D. C. }

MAY 26, 1914.

B 162. Jas. W. Wardell, 3603 M NW. Toilet excellent. Excellent conditions.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

B 163. Cochran Hotel, Rosa M. Cochran, 14th and K NW. cor. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 28, 1914.

B 167. Thos. F. Keliher. 1514 Wis. Ave. NW. Mixed trade. Toilet old but clean. Recently painted. Conditions excellent. (Question of proximity to church.)

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

171 B. R. 1411 Pa. Ave., NW. Gustav Buchholz. Inspection p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 177. Barbara Groener, 1109 E NW. Toilet fair. Newly whitewashed. Very old building. Conditions fair.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 188. Tobias Bush, 110-12 E NW. Toilets to be changed. Condition poor. Old building.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

192 B. 623 G NW. John M. Kirby, pres. Metropolitan Co. (Inc.). Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

193 B. Hotel. 613 Pa. Ave. NW. T. A. McKee, pres. Southern Hotel Co. (Inc.). Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913.

199 B. R. 1234 Pa. Ave. NW. A. W. Hancock. Inspected p. m. Question of doors to be removed between front and rear rooms referred to excise board and listed for inspection by board.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

B 204. Edward Mannix. 3059 M NW. Old building. Rear yard neat and well ventilated. Conditions excellent. Toilet good.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913.

206 B. John H. De Atley. 1222 Pa. Ave. NW. Res. Inspection above date p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

212 B. R. 1313 E NW. Jas. W. Gray. Premises clean, though in an old building. Ordered to disinfect frequently and whitewash toilet. Ordered to remove signs advertising venereal medicines.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

214 B. 605 Pa. Ave. NW. John E. Buckey. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

227 BR. G. C. Campbell, mgr. Keystone Hotel Co. 482 Pa. Ave., NW. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 6, 1913.

236 B. Wisconsin Ave. extended Tenleytown. Wm. H. Achterkirchen. Inspected a. m. No comment necessary, except that toilet is rendered damp by seepage through walls from ground outside and walls will not hold corrective applications, although they have been tried, according to the proprietor, a number of times. Advised to use disinfectants and licensee promised to keep toilet sanitary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

242 B. Wiedeman, Joseph. 200 B NW. Inspected on above date a. m. Advised as to necessity for cleanliness of toilet. Suggested clearing up of cellar and advised more ventilation by opening of windows in addition to ventilation already existing through grating. Ordered to make application for extra entrance on 2d St., NW. Order for same issued.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

243 B. 335 Pa. Av. NW. Angelo A. and Frank S. Messino. Inspected above date. Advised to paint toilet and keep same in better condition.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

B 245. 1219 N. Y. Ave. NW. Rest. Elizabeth Atzel. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 28, 1914.

B 246. Michael V. Moran. 3011 M NW. Mixed trade. Toilet good. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

B 252. J. F. Tennant. 3219 M NW. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

253 BR. Stephen Chaconas. 468 Pa. Ave. NW. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

B 256. Richard Cook. 3401 M NW. Advised to clean up yard. Toilet in process of change. Conditions good.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 26, 1914.

B 260. Conrad Schroeter. 3326 M NW. Mixed trade. Toilet old. Building old. Conditions fair.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 26, 1914.

B 264. Jos. J. Kelly. 3294 M NW. Colored trade. Toilet fair. Conditions good.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

265 BR. 1743 Pa. Ave. NW. Wm. S. and L. S. Probey. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

266 B. Capitol Construction Co. The Portner, 1453 U NW. Inspected above date. Toilet O. K. Side room with tables.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913.

275 BR. 1002 Pa. Ave. NW. T. W. Dunworth. Inspection p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 276. Robert H. Kearney, 901 E NW. New outfit. Condition excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 28, 1914.

B 279. Wm. Doyle. 1218 Wis. Ave. NW. Toilet clean. Conditions excellent. (Alley in rear inhabited?)

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

B 280. 1001 N. Y. Ave. NW. Hugh J. McGinness. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

283 B. Kronheim, Jacob. 123 Pa. Ave. NW. Inspected on above date a. m. Toilet, tiled floor. Ordered to clean up accumulation of dirt in angles of floor and wall. Licensee's barkeeper complained of poor plumbing work as cause of seepage. Inspector of plumbing notified Dec. 12.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 26, 1914.

B 291. Ellen Gallaher. 3328 M NW. Mixed trade. Old building. Toilet old, poor. Stated inspector plumbing would give time on repairs until decision made as to continuance under excise law Nov., 1914. Conditions fair.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

297 B. 1942-1944 14th NW. Toilet good. Ordered to clean out refuse room. Colored and white trade.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

301 B R. 329 Pa. Ave. NW. Chas. H. Hurdle. Inspected above date. No comment necessary, except that licensee was advised to paint toilet and warned as to necessity of keeping toilets in proper condition.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

309 B. David J. O'Connell. 636 Pa. Ave. NW. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 26, 1914.

B 310. John Keady. 3314 M NW. Mixed trade. Toilet good. Conditions good.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

B 312. 831 14th NW. John T. Crowley. White and colored bar. Slate toilet, fair condition.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

320 B. 15th and (1426) Pa. Av. NW. Inspected above date. Ordered to make request for E. E. Toilet renewed 3 years ago; slate. Used by patrons of theater. Good condition.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913.

326 BR R. 1216 Pa. Ave. NW. Moses H. Dade. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

337 B. 605 15th NW. Henry A. Lehman. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

344 B. 1908 Pa. Ave. NW. John Donovan. Inspected above date p. m. Licensee advised to have toilet painted.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913.

348 B. Samuel J. Steinberger. 1015 D NW. Inspected p. m. above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

353 B. 1315 E NW. Louis Bush. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 12, 1913.

355 B. 414-416 10th NW. Abraham Cohen. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

356 B. Ralph L. Steinhardt. 417 11th NW. R. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913.

358 BR. 1004 Pa. Ave. NW. Thos. McCarthy. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 359. Frank Wolf. 512 12th NW. White trade. Rest. Toilet excellent. Conditions good.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

B 362. Shoreham Hotel, J. Maury Dove, pres. NW. cor. 15th and H NW. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913

367 B. P. E. and E. A. Miller. 1349 E NW. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

378 B. 2006 I NW. Hugh F. Harvey. Inspected p. m. Pool tables in rear, not in use; pool balls removed. Licensee says he intends to leave tables on premises when he leaves the same.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

379 B. R. 311 Pa. Av. NW. Floyd A. Roman (Southern Hotel). Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

383 B. Lewis, John G. 109 Pa. Ave. NW. Inspected above date, a. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

387 B. 1704 Pa. Ave. NW. Jas. P. McGrann. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

393 B. R. EE. 936 Pa. Ave. NW. Carl Hammel. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 395. David J. Sullivan. 1200 E NW. White trade. Old building. Toilet good; advised to repaint walls. Condition good.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

406 B. R. 1706 Pa. Ave. NW. Geo. R. McGlue. Inspected p. m. Advised removal of suggestive pictures (2 small), which was done. Question as to necessity for further removal of partition referred to Excise Board and listed for inspection by them. Most of partition originally removed to make one room of barrooms.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

407 B R. 1335 E NW. W. A. Engel. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

B 410. Patrick J. Cook, 3214 M NW. Conditions fair.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

413 B. 110 1st NW. See special report March 28, 1914.

Inspector Excise Board, D. C.

APRIL 9, 1914.

419 B. 1827 14th NW. Geyer, Frederick H. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC 5, 1913

421 B R. 1716 Pa. Ave. NW. E. C. E. Ruppert. Inspected p. m. Requested removal of venereal medicine cards from toilet.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

422 B. Peck, Clarence J. 1926 14th NW. Toilet being repaired. Colored and white trade. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 426. Louis Hodges. 407 9th NW. EE. Condition excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913

427 B. Adolph Loehl. 1203 Pa. Ave. NW. Inspected above date p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 11, 1913.

431 B R. 451-457 Pa. Av. Hy. Achterkirchen (Hotel Fritz Reuter). Inspected above date. Advised to remove suggestive picture.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

433 B. 415 13th NW. James A. Duffy. Inspected p. m. Place in good condition. Man sleeping in chair at table. Advised barkeeper not to permit anything of the kind.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

B 435. NE. cor. 15th and I NW. Bellevue Hotel. Peter Taylor, jr. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

B 437. Nathan Sugar Rcrs. 3033 M NW. Toilet fair. Conditions fair. Place clean, but run-down old building.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 5, 1913.

450 B H. 415-417 13th NW. Sterling Hotel Co. (Inc.). Inspected p. m. T. P. Taylor. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 12, 1913.

451 B. 405 10th NW. Wm. S. Johnson. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 9, 1913.

456 B. Pa. Ave. and 18th NW. Lewis Hotel Co. (Inc.). Inspected above date p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 461. J. A. Donnelly. 1219 E NW. Mixed trade. Toilet fair. Conditions fair. Old building.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 12, 1913.

463 B. 407 10th NW. T. Edmund Dailey. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

B 467. Thos. F. O'Keefe. B. U. Graham and J. A. Toomey, recrs. 3258 M NW. Condition fair.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 471. Harrington Hotel Co. (Inc.) 432 11th NW. Hotel. New building. New fixtures. Condition excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 19, 1914.

B 466. Henry M. Marks. 1000 E NW. Rest. Toilet good. Conditions good. Application to be made for extra entrance.

Inspector Excise Board, D. C.

APRIL 29, 1914.

W 2. Morris L. Wolpe. 916 9th NW. No comment necessary.

W. C. HIBBS,

Inspector Excise Board, D. C.

DEC. 10, 1913.

5 Wh L. Ashby W. Woodward. 610 Pa. Av., mgr. James Clark Distilling Co. (Inc.). Inspected p. m. No comment necessary.

W. C. HIBBS,

Inspector Excise Board, D. C.

APRIL 29, 1914.

W 17. Samuel Schwarz. 1428 N. Y. Ave. NW. No comment necessary.

W. C. HIBBS,

Inspector Excise Board, D. C.

DEC. 5, 1913.

25 WL. 1737 Pa. Ave. NW. Jos. Bush. Inspected p. m. No comment necessary.

W. C. HIBBS,

Inspector Excise Board, D. C.

APRIL 9, 1914.

31 W. 1135-1137 14th NW. Grimes, Samuel Taylor. No comment necessary.

W. C. HIBBS,

Inspector Excise Board, D. C.

APRIL 9, 1914.

46 W. 1409 U NW. Sydney Guggenheim. No toilet. No comment necessary.

W. C. HIBBS,

Inspector Excise Board, D. C.

MAY 15, 1914.

W 48. Thos. J. Molloy. 3243 M NW. Conditions good.

W. C. HIBBS,

Inspector Excise Board, D. C.

MAY 15, 1914.

W 53. George W. Manogue, tr. as Manogue and Jones, groceries. 3150 M NW. Directions as to erection of railing at rear. Conditions good. Small display.

W. C. HIBBS,

Inspector Excise Board, D. C.

MAY 15, 1914.

W 54. Patrick J. Barron. 3275 M NW. Conditions good.

W. C. HIBBS,

Inspector Excise Board, D. C.

MAY 26, 1914.

W 55. Simon Gordon. 3403 M NW. Groceries. Instructed as to erection of rail. Conditions good.

W. C. HIBBS,

Inspector Excise Board, D. C.

APRIL 9, 1914.

63 W. Jos. Richards Co. 1408 14th NW. No comment necessary. Rail O. K.

W. C. HIBBS,

Inspector Excise Board, D. C.

DEC. 13, 1913.

68 W L. Stearn and Fawsett. 1355-1357 Wis. Ave. NW. Inspected p. m. Railing built since stated by inspector would be necessary, instead of cabinet in front part of store. Railing O. K., shutting off stock room in rear to comply with regulations.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

69. W. 1834 14th NW. Bolcioni Paul. Brass rail O. K. Ordered to put on suitable gate.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 26, 1914.

W 81. Jos. E. Dyer. 3330 M NW. Excellent condition. In early part of June a fire in premises.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

85 WL. D. A. O'Connor. 462 Pa. Ave. NW. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

86 Wh L. N. H. Shea. 632 Pa. Ave. NW. Inspected p. m. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

W 88. Daniel Kantor. 3249 M NW. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

W 90. Milton Kronheim, 3218 M NW. Excellent. Very orderly arrangement.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

92 WL. Frank Hume, pres. Frank Hume (Inc.). 454 Pa. Ave. NW. Inspection above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 29, 1914.

W 98. 808 9th NW. G. A. Pessagno. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 8, 1913.

101 WL. 1200 Pa. Ave. NW. S. D. Minster. Inspection p. m. Notified to make application for extra entrance on D St. NW. Order issued.

W. C. HIBBS,
Inspector Excise Board, D. C.

DEC. 10, 1913.

104 WhL. Adolph F. Sauber, tr. as Adolph F. Sauber Co. 480 La. Ave., NW. Inspected above date. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 15, 1914.

W 109. G. W. Offutt Co. 3209 M NW. Groceries. Directions given as to keeping gate of rail closed. Apparently heavy current business, conditions good under circumstances.

W. C. HIBBS,
Inspector Excise Board, D. C.

APRIL 9, 1914.

110 W. 1929 14th NW. Fernando R. Sari. Package groceries. No comment necessary.

W. C. HIBBS,
Inspector Excise Board, D. C.

MAY 26, 1914.

W 112. Capital Liquor Co. (Inc.). 3279-81 M NW. Conditions excellent.

W. C. HIBBS,
Inspector Excise Board, D. C.

AFTER RECESS.

The committee reassembled, pursuant to the taking of the recess, at 4 o'clock p. m.

Present: Senators Sheppard (chairman), Thompson, and Jones.

The CHAIRMAN. I will insert in the record at this point a statement from the excise board replying to certain charges that have been made in connection with the administration of their duties. It is as follows:

STATEMENT BY THE EXCISE BOARD FOR THE DISTRICT OF COLUMBIA.

FEBRUARY 3, 1915.

In obedience to your summons, the members of the excise board report for such examination as you may see fit to make, under resolution of the United States Senate, to investigate the conduct of the excise board, and the manner in which the excise law has been administered, etc.

The three members composing the excise board originally were appointed by the President and confirmed by the United States Senate, and took oath of office on or about September 4, 1913, in pursuance of the law known as the excise law, approved March 4, 1913. On April 15, 1914, one of these members resigned and another appointee took office on April 16, 1914, and the board as then composed has continued in existence.

The board adopted and promulgated in the first weeks of its existence rules and regulations, from time to time slightly amended, as a basis for its procedure. The board was to administer the excise law, as is customary with all laws, in the interests of the people. The board has never been generally informed, nor has it understood, that the excise law was enacted and given to it to execute in the interest of any particular class of citizens or industry, but that it was a common law to be put into force and administered carefully and dutifully for the best interests of all the people it affected.

It considers that its status is the same in a certain respect as that of the excise board acting under authority of the excise law which governed the District of Columbia immediately preceding the time when the present law took effect. In an opinion delivered in 1899, in the case of *Fitzgerald v. O'Leary*, equity No. 20,698, Mr. Justice Barnard said: "By the statute in this District Congress has created a quasi-judicial tribunal, and given it exclusive jurisdiction in the matter of regulating the sale of intoxicating liquors. It is charged with the duty of determining who shall be allowed to sell, and the place within certain limits where the business shall be carried on. Unless it shall exceed its jurisdiction, or act contrary to the proper limitations of the statute, all citizens are bound to accept its decisions in this matter of police regulation as final." The present excise board believes that these words of the learned justice apply with equal force to its standing under the present law.

The board has endeavored to the best of its ability and intelligence to follow-out that intention, and its members do not believe that it has failed in any particular of a

faithful and fearless performance of its duty, and cheerfully submits itself to the examination of this committee in order that there may be removed from its escutcheon the stain of charges, based upon what it believes to be misinformation, that might forever unjustly mar the future lives of each and every one of its members.

It has been charged that paragraph 2 of the excise law has been violated in that licenses have been granted by the excise board within the prohibited distance from public schoolhouses, or now established colleges or universities or houses of religious worship.

The excise board studied carefully this provision of the law, with a due regard for the sacredness of its responsibility, and the human and property rights to be affected. It sought the guidance of such rules and regulations as bore upon the subject at hand. The full membership of the board visited every situation that was presented by an application for license and personally measured the distance, wherever doubt existed, to assure itself of the degree of proximity of the proposed bar room to any prohibited establishment, and it believes that in no case has the law on this subject been violated.

In the measurements which the board made with a view to enforcing the section referred to, it was governed to a great extent, if not fully, by the laws and regulations relating to street traffic issued by the Commissioners of the District of Columbia and amended to July 14, 1914. Section 40 (b) reads: "Pedestrians should avoid interference with traffic, and to this end should not step from the sidewalk without first looking to see what is approaching; should cross the street at a right angle, preferably at a regular crossing at the end of a block, and where a traffic policeman is stationed, wait for his signal." And section 40 (c) reads: "Pedestrians on sidewalks should keep to the right and when stopping should not obstruct a crossing nor an entrance to a building." For violation of these provisions it is said in section 41 that "any person violating any provision of this section of this article, shall, on conviction thereof, be punished by a fine of not less than one dollar nor more than forty dollars for each offense."

Hence the board thought it was eminently proper to follow out in its measurements the "shortest course of travel" which the law marks out. The board in order to be just followed that rule of right angle measurement, and believes that in every case where license was granted the distance from a public schoolhouse, college or university, or house of religious worship, exceeds the legal requirement of 400 feet.

In the case of *Fitzgerald v. O'Leary*, cited above, Mr. Justice Barnard said: "Where there are two or more ways which may be fairly adopted for measuring the shortest course of travel between the nearest entrance to the saloon, and the nearest entrance to the schoolhouse, one of which will show the distance to be four hundred feet or more and the excise board has decided that way to be the proper one to adopt, its judgment in that respect will be conclusive and final."

The board thinks that the rule of right angle measurements, after the provision of the traffic law, is certainly one that "may be fairly adopted" for the purpose set forth in the present excise law.

The board would again invite attention to the words of Justice Barnard: "In a case where there could be no question or room for construction as to the shortest course of travel, or the way the line should be run, and the distance must necessarily be less than four hundred feet, and notwithstanding which the board had granted a license, and thereby clearly violated the statute, I think there would be a remedy in the courts." The excise law is comparatively new. Some of its provisions, and these important ones, did not take effect until November 1, 1914, a short three months ago. The board is at a loss to understand why those who are dissatisfied with the manner in which the law has been administered, and who hold that licenses have been illegally granted in some instances, have not taken those cases to court, where the validity of their contention may be affirmed or denied.

It will be noted that the law provides for the exclusion of barrooms the entrances to which are not located more than 400 feet "by the shortest course of travel" from the entrance to a "public-schoolhouse." Now, what is a "schoolhouse"? The quotation is from Webster's Dictionary. It is a "house appropriated for the use of schools or for instruction." According to the same authority, "appropriated" means "set apart for or assigned to a particular use, to the exclusion of all other uses." A schoolhouse, then, is a house set apart for or assigned for the use of instruction, to the exclusion of all other uses.

In like fashion the excise law forbids locating barrooms within 400 feet of "houses of religious worship." The board wishes to invite attention to the fact that in the proposed substitute for Senate amendment No. 132 to the District of Columbia appropriation bill providing an excise law (p. 4), the phrase "place of religious worship" was stricken out and the words "now established house of religious worship" substituted. Surely, the intention of Congress was clear on this particular point. The

board is convinced that such places of religious worship as are located in buildings a great part of which are occupied for purposes other than religious, were not comprehended by the phrase, "house of religious worship."

Paragraph 2 of the excise law required the board to "make such rules and regulations for carrying into effect this section as it shall deem requisite and proper." The board has attempted, under that authority, to give consideration to what it thinks was the intention of Congress when it enacted the present law. Although Congress did not specify that paragraph 2, subsection 7, should not apply to hotels and clubs, the excise board in its honest judgment did not believe that it was intended to exclude such clubs as the Metropolitan, Army and Navy, University, Commercial, nor hotels such as the Gordon, Cairo, Bellevue, and others.

Hence in forming its rules and regulations the board provided (sec. 6), which reads: "Sec. 6. Beginning November 6, 1914, no barroom license shall be granted on any side of any street where less than fifty per centum of the foot frontage between intersecting streets, excluding the parts of buildings wherein barroom licenses are held, is used for business purposes: *Provided*, That this restriction shall not apply to hotels and clubs."

If, in extending protection from the restriction of 50 per cent business frontage, in places where these establishments are located, the board is subject to criticism, the action was certainly without solicitation from anyone, directly or indirectly, and only in the belief by the board that it was for the public weal. The same may be said, in passing, as to any other rule and regulation.

It has been charged against the board that it has violated the spirit of the provision of the law (par. 2) which provides that "No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within three hundred feet of any alleyway occupied for residences or of places commonly called slums; except, upon the unanimous vote of all three members of said excise board." In its investigations the board visited each of the situations where alleyways were in proximity to proposed locations, and where it was possible in the consideration of the law and the rights of all persons concerned it exercised unanimously the duty placed upon it by the law to the best of its ability, and believes that while alley conditions may not be as ideal as is desired by some of our citizens, they have been materially improved and are improving.

As to the granting of licenses within the extended fire-line limits, the board believes that in granting licenses to the two places affected, with the provision that such licenses should be subject to the action of the court in the cases pending in relation thereto, it performed its sworn duty in the premises. Of course, the board did not have to grant these licenses. It need not have granted any license. But it wishes to be just. The two citizens to whom these licenses were granted were entitled, as are all others, to the best official service the board can give them under the law.

The board has been criticised for not adhering more strictly to the reports of the police department. Paragraph 2 of the excise law provides that the board "may require a report by the chief of police, and the action of said board shall be final and conclusive." In this the board has followed the law faithfully, has received a report in each case of application for transfer, renewal, or new license, and endeavored to give proper weight to the police report in consideration of all the circumstances, as produced at the hearing in each case.

As to the necessity for the appearance of attorneys, representing applicants for license, the board, so far as it is concerned, does not feel the need to be apparent, but perceives that the presence at each hearing of the prosecuting attorney, employed by the Anti-Saloon League, might influence an applicant to secure an attorney's services.

In this connection, the board is pleased to submit the following list, which indicates just what attorneys and representatives appeared before it during the hearings on applications for barroom licenses for the present license year, the number of cases entrusted to each by applicants, and their disposition in the decisions of the board.

There were 409 such hearings conducted before the board just prior to November 1, 1914, and three since that date. Mr. Albert E. Shoemaker, attorney for the Anti-Saloon League, appeared in every case as the opponent of the applicants. The latter were represented before the board in these cases as follows:

Name.	Cases.	Granted.	Refused.	Name.	Cases.	Granted.	Refused.
No attorney.....	170	128	42	M. J. Keane.....	27	22	5
C. G. Allen.....	1	1	.....	W. J. Lambert.....	1	1	.....
J. A. Burkart.....	7	5	2	F. P. Madigan.....	1	1	.....
D. W. Baker.....	1	1	.....	Stephen McDonough.....	3	1	2
Baker-Leahy.....	2	2	.....	M. F. Mangan.....	2	2	.....
Howard Boyd.....	2	1	1	R. L. Montague.....	2	2	.....
F. W. Brandenburg.....	1	.....	1	M. J. McNamara.....	1	1	.....
A. H. Bell.....	45	30	15	Alvin Newmeyer.....	1	.....	1
Edmund Brady.....	1	1	.....	D. W. O'Donoghue.....	1	1	.....
Brown & Baumann.....	2	2	.....	T. W. O'Brien.....	1	.....	1
Chas. Baumann.....	1	1	.....	J. F. O'Shea.....	1	.....	1
F. C. Bryan.....	1	.....	1	R. R. Perry, jr.....	1	1	.....
Bell-Sheehy.....	2	2	.....	S. C. Peelle.....	1	1	.....
W. F. Columbus.....	6	3	3	J. Potbury.....	1	1	.....
J. F. Costello.....	4	3	1	Peyser-Sheehy.....	1	.....	1
M. J. Colbert.....	3	1	2	M. P. Sullivan.....	44	34	10
Jos. Cox.....	2	2	.....	C. M. Stadden.....	1	.....	1
Collins & Ball.....	1	1	.....	M. W. Sullivan.....	3	3	.....
Columbus-Trimble.....	1	.....	1	J. C. Sheehy.....	5	5	.....
Columbus-Shea.....	1	1	.....	Sullivan-Frank.....	1	1	.....
H. E. Davis.....	2	2	.....	Matthew Trimble.....	8	4	4
R. F. Downing.....	2	2	.....	Tobriner-Graham.....	2	2	.....
Downing-Montague.....	1	1	.....	Jas. Toomey.....	1	1	.....
L. C. Dismar.....	1	1	.....	L. Tobriner.....	5	4	1
C. W. Darr.....	1	.....	1	Winship Wheatley.....	2	2	.....
Nell England.....	1	.....	1	Alex. Wolf.....	2	2	.....
J. M. Frank.....	3	1	2	W. T. Whelan.....	16	10	6
Geo. Havell.....	2	2	.....	Wheatley & Ball.....	1	1	.....
Leo Harlow.....	1	1	.....	W. H. White.....	2	2	.....
Eugene Jones.....	1	1	.....	Total.....	409	297	112
Abe King.....	1	.....	1				
Keane-W. D. Sullivan.....	1	.....	1				

In the three hearings conducted since November 1, 1914, the applicants were represented as follows:

Name.	Cases.	Granted.	Refused.
M. P. Sullivan.....	1	1	.....
M. J. Keane.....	1	1	.....
R. L. Montague.....	1	1	.....
Total.....	412	300	112

As to the matter of the amount of fees paid by applicants to attorneys, the board has not felt that the law required it to go into the private affairs of attorneys in good standing before the bar of the District of Columbia and ask the question, either of the attorney or his client, as to how much money he was receiving or was to receive in fees in any particular case. The board does not believe that on second thought it will be urged that it was its duty to do so, or to regard it as a matter within its jurisdiction.

In executing the law with reference to the number of barrooms in blocks between intersecting streets, the board was governed by the limit prescribed by law, and where removals were necessary, section 9 of the rules and regulations was applied, and in doing so all applicants being equally worthy, the board exercised its best judgment and inflicted as little embarrassment as its ability to determine would secure. This particular provision of the law was very difficult to administer.

In reference to the licensing of barrooms on streets at right angles to streets previously located upon, and in the same building, as in the case at Fourteenth and E Streets NW., the board believes that in acting favorably public interest has been properly served, especially when a barroom known upon one street (E Street) had been closed under the law, and later a new application made for an absolutely different street (Fourteenth Street). The board does not believe that when it favorably and honestly acted upon a new application for a barroom license to be located around the corner on another street, that it perverted the law, even though the new license be located in the same building as the old.

It has been alleged that in a certain case the applicant paid for the destruction of a petition of protest. No evidence was produced before the board at the hearing in the case referred to proving such a purchase. It did develop that the premises

applied for were then occupied by a tenant who wished to remain in his place of business, and who therefore circulated a petition of protest. The licensee paid him \$100 to allow him to post notice of proposed transfer, and agreed to pay \$100 more when he obtained possession of the premises. The testimony is clear, and may be read by all.

With reference to alleged violations of the excise law by licensees, the board wishes it to be borne in mind that the initial part of this phase of the law is in the hands of the police; until a conviction is had in the police court, the excise board has no case against the licensee. But if convicted once the board "may in its discretion revoke the license, and upon the second conviction of such violation * * * the excise board shall immediately revoke the license." No conviction has been had in the police court under the present excise law against any barroom licensee to whom license was granted by the excise board.

During the months of September and October the board granted public hearings on every application for either a wholesale or barroom license. In all there were more than 500 such hearings. The Anti-Saloon League's attorney was present throughout the proceedings, and in every single case vigorously objected to license being granted. The board, after long deliberation, and with full regard for the demands of the law, rendered its decisions which, in all cases, were unanimous.

There have been 300 barroom licenses granted. It will be noted that the revenue received from approximately 450 licenses at \$1,000 last year is equalled by that received from 300 licenses, at \$1,500 this year. This feature of the situation the board kept in mind with the belief that Congress did not believe that the revenue should be materially reduced.

In conclusion the board wishes to emphasize the fact that it is not the servant of any man, clique, organization, or business, but that it believes that it has always acted in the interest of the people of the District of Columbia, under the law as it exists, and has to that end performed its functions fearlessly and faithfully. While this is a fact the board would be derelict were it not to state here and now that it challenges any person or organization to charge the board with knowingly or wilfully, or in any manner, directly or indirectly, favoring the individual or corporation at the expense of the community, either for or without compensation.

R. G. SMITH, *Chairman*,
HENRY S. BAKER,
COTTER T. BRIDE,

Excise Board for the District of Columbia.

TESTIMONY OF ANDREW WILSON.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your full name?

Mr. WILSON. Andrew Wilson.

The CHAIRMAN. What is your local address?

Mr. WILSON. Office, 802 to 806 Woodward Building. Residence, 1850 Mintwood Place NW., Washington, D. C.

The CHAIRMAN. How long have you been a resident of the District of Columbia?

Mr. WILSON. I came to the District of Columbia on the 9th day of June, 1888. With the exception of two years in graduate work at Yale University, I have been a resident of the District of Columbia since that date.

The CHAIRMAN. What is your profession?

Mr. WILSON. Lawyer.

The CHAIRMAN. What is your position in connection with the Anti-Saloon League?

Mr. WILSON. I am president of the Anti-Saloon League of the District of Columbia.

The CHAIRMAN. By virtue of that position, you have been in touch with the workings of the Excise Board of the District of Columbia, have you not?

Mr. WILSON. To a considerable extent.

The CHAIRMAN. Please state the object of the Anti-Saloon League

Mr. WILSON. It is to drive the saloon out of existence. The motto of the Anti-Saloon League is "The saloon must go." We have been using all means that we deemed honorable and expedient to accomplish that purpose.

The CHAIRMAN. Your organization has felt it incumbent on itself, in the interest of the public, to see that the laws regulating the saloons in the District of Columbia were observed and obeyed in so far as you could bring it about, has it not?

Mr. WILSON. Yes; we have put forth considerable endeavor to get or to enforce obedience to the laws.

The CHAIRMAN. You have also felt it your duty to see that the number of saloons was reduced as far as possible?

Mr. WILSON. We have attempted to get legislation looking to that end, and we have also had an attorney present at the hearings—practically all the hearings—before the Excise Board for a number of years. That attorney is Mr. Albert E. Shoemaker.

The CHAIRMAN. When did the present Excise Board take up its work?

Mr. WILSON. About the first of September, 1903. I can not give you the exact date.

The CHAIRMAN. You were active in securing the adoption of the law under which that board was appointed, were you not?

Mr. WILSON. I was.

The CHAIRMAN. That law is known as the Jones-Works excise law, is it not?

Mr. WILSON. Yes, sir.

The CHAIRMAN. Have you any knowledge as to whether the board, in adopting its rules and regulations, followed the Jones excise law or made changes in it?

Mr. WILSON. The board in adopting its rules and regulations followed, in some degree, the excise law, but in some degree it did not, according to the views of the attorney for the Anti-Saloon League, in which I concur.

The CHAIRMAN. Have you a statement showing the instances in which the excise board changed or modified the law under the guise of rules and regulations?

Mr. WILSON. I have not. The rules and regulations are appended to a pamphlet which I hold in my hand, entitled "Excise liquor law of the District of Columbia and rules and regulations adopted by the Excise Board, 1913, with amendments," bearing the imprint, "Washington, 1914."

The pamphlet referred to is here printed in full as follows:

"EXCISE LIQUOR LAW OF THE DISTRICT OF COLUMBIA AND RULES AND REGULATIONS
ADOPTED BY THE EXCISE BOARD, 1913, WITH AMENDMENTS.

EXCISE.

SEC. 9. PARAGRAPH 1. That no person, company, copartnership, association, club, or corporation shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, in the District of Columbia, any intoxicating liquors, except as hereinafter provided. Wherever the term "intoxicating liquors" is used in this section it shall be deemed to include whisky, brandy, gin, wine, cordials, rum, ale, porter, beer, hard or fermented cider, and all other fermented, distilled, spirituous, vinous, and malt liquors, and every mixture of liquors

which shall contain more than two per centum, by weight, of alcohol, and any mixture of liquor which shall contain less than two per centum of alcohol, if the same shall be intoxicating.

PAR. 2. That there shall be, and is hereby, constituted an excise board for the District of Columbia; which shall be composed of three members, to be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall serve for a term of three years, and until their successors are appointed and qualified, except that the members first appointed shall serve for one, two, and three years, respectively, as may be designated by the President, or until their successors are appointed and qualified. The salary of said commissioners shall be at the rate of \$2,400 per annum.

Hereafter no license shall be issued to a hotel having less than fifty bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is shown to be objectionable to said board.

Not more than three saloons or barrooms other than in hotels or clubs shall be permitted on one side of a street between intersecting streets, nor more than four on both sides of a street between intersecting streets.

No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within three hundred feet of any alleyway occupied for residences or of places commonly called slums, except upon the unanimous vote of all three members of said excise board.

No saloon, barroom, or other place where intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within four hundred feet of any public schoolhouse, or a now located or established college or university, or within four hundred feet of any now established house of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and such public schoolhouse, college or university, or established house of religious worship.

No license shall be granted to sell intoxicating liquors in the waiting room of any station or depot of any steam or electric railroad or other carrier for the transportation of passengers within the District of Columbia.

Hereafter no license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for license whether the location where the barroom is to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is hereby authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section: *Provided*, That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than fifty per centum of the foot frontage, not including saloons or hotels and clubs having barroom licenses under this section, is used for business purposes; nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided.

No saloon, barroom, or wholesale liquor business shall be licensed, maintained, or allowed in the territory west of the following lines: The westerly line of the fire limits as now established from its southerly limits to where the same intersects with the mile limit of the Soldiers' Home; thence westerly and northerly along the said mile limit until the same intersects with Kansas Avenue; thence along Kansas Avenue to its intersection with the northern boundary of the District of Columbia.

Said board shall consider and act upon all applications for license to sell intoxicating liquors, and may require a report thereon by the chief of police, and the action of said board shall be final and conclusive. In the issuing of licenses for barrooms it shall be the duty of the excise board to adopt such a policy as will reduce the number of barrooms, including those in hotels and clubs, to not exceeding three hundred by November first, nineteen hundred and fourteen, but no licensee who shall conduct his business within the law shall be deprived of his license or required to change his location before November first, nineteen hundred and fourteen. On the granting by said board of a license to sell intoxicating liquors, the assessor shall issue a license to the applicant. Said board shall make such rules and regulations for carrying into effect this section as it may deem requisite and proper. It shall make an annual report to Congress setting forth the number of applications for license, whether favorably or unfavorably acted upon, the number of persons convicted for violation of this statute, and the number and amount of fines collected and uncollected; and said excise board is hereby authorized and empowered to summon any person before it to give testimony, under oath or affirmation, as to any matter affecting the operation of the laws regulating the sale of intoxicating liquors in the District of Columbia;

and any member of the board shall have the power to administer oaths or affirmations for all purposes of administering said laws. Such summons may be served by any member of the Metropolitan police force, and the refusal or neglect of a witness to appear before the said board or to testify when required, may be punished in the same manner as a refusal to appear before the Commissioners of the District of Columbia, as provided for in the acts of February twentieth, eighteen hundred and ninety-six, entitled "An act to amend an act entitled 'An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes,' approved May eleventh, eighteen hundred and ninety-two," and July first, nineteen hundred and two, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes." Witnesses so summoned shall be entitled to a fee of \$1.25 for each day's attendance before the said board, payable out of the contingent fund of the Commissioners of the District of Columbia; and any witness knowingly making a false statement to the said board on any material matter shall be guilty of perjury and punishable accordingly.

PAR. 3. That the said board shall appoint a clerk at a salary of \$1,500 per annum and an inspector with police powers at a salary of \$1,500 per annum. Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge indicating that he is such inspector of the excise board. The board shall keep a full full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

PAR. 4. That every person applying for a license to sell intoxicating liquors in said District shall file with the said board a petition for such license, and such petition shall be considered and acted upon by the board in the order in which such petition is filed and numbered. Said petition shall contain—

First. A statement giving the name and residence of the applicant and the time he has resided in the District of Columbia.

Second. A statement describing the particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as will definitely locate it, and how long said applicant has been engaged in business at said place.

Third. The full name and residence of the owner of the premises upon which the business is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States and a bona fide resident of the District of Columbia, and not less than twenty-one years of age, and whether such applicant has, since March third, eighteen hundred and ninety-three, been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

Fifth. A statement that he intends to, and if licensed will, carry on such business for himself and not as the agent of any other person, company, copartnership, or corporation.

Sixth. A statement that he intends to superintend in person the management of the business for which he asks a license, and that if licensed he will so superintend the management of the business so licensed.

Said petition must be sworn to by the petitioner before a notary public or other person duly authorized to administer oaths and affirmations. If any false material statement is knowingly made in any part of said petition, the petitioner making said affidavit shall be deemed guilty of perjury, and on conviction thereof shall be subject to the penalty now provided by law for that offense; and in case a license has been issued to said petitioner the same shall be immediately revoked by said board. Notice of the filing of said petition shall be given by the applicant in such manner as may be prescribed by general rules and regulations adopted by the excise board; and if protests against the granting of such license are filed no final action shall be taken by the excise board until the protestants shall have had an opportunity to be heard under rules and regulations prescribed by said board.

PAR. 5. That the licenses authorized and provided for by this section shall be of two classes, wholesale liquor licenses and barroom licenses. The fee for a wholesale liquor license until November first, nineteen hundred and fourteen, shall be \$500 per annum, and for a barroom license \$1,000 per annum until November first, nineteen hundred and fourteen; and thereafter the fee for a wholesale liquor license shall be \$800 and the fee for a barroom license shall be \$1,500 per annum. Every applicant for a liquor license shall deposit the amount of the license fee with the collector of taxes of the District of Columbia at the time of filing the application with the excise board. If, upon consideration of the application for license by the board as provided for in

this section, the board shall decide to grant the license prayed for it shall notify the assessor, and the applicant shall thereupon receive his license; and only on the granting by said board of a license to any applicant to sell intoxicating liquor shall the assessor issue a license to such applicant. Whenever a license shall be refused by said board, the collector of taxes shall forthwith refund the deposit aforesaid. A barroom license shall be required for every hotel, tavern, barroom, club, or other place in which intoxicating liquors are sold or dispensed at retail. A wholesale liquor license shall authorize the licensee to sell intoxicating liquors in sealed packages only and in quantities not less than one quart in the aggregate, except in sealed original or bonded package in quantity not less than approximately a pint, and not to be drunk on the premises where sold; and no wholesale license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquors as merchandise. Every place where intoxicating liquors are sold to be drunk on the premises or in quantities less than one quart, except in sealed original or bonded packages as aforesaid whether drunk on the premises or not, shall be regarded as a barroom; and the possession of intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this section, and the license therefor shall be known as a barroom license. All makers, brewers, and distillers of intoxicating liquors in the District of Columbia, shall be required to take out the wholesale license provided for in this section: *Provided*, That when such business is carried on at more than one place a license shall be required for each place. Before the excise board may grant a license to a club it must be satisfactorily shown that such club is duly incorporated; that its membership is bona fide, all being on an equal status with equal privileges and responsibilities; that its purposes are legitimate; and that the sale of liquor intended is no more than an incident, and is not a prime source of revenue. A license to a club may be issued in the name of its president, and in case of violation of the provisions of this section in such club, he and the secretary, the treasurer, and the manager of the club shall be proceeded against collectively or severally in their individual capacities and, if convicted, be subject to the penalties prescribed in paragraph fourteen of this section, and the license of said club shall be immediately revoked by the excise board: *Provided further*, That after November first, nineteen hundred and fourteen, there shall not be granted licenses to more than twenty-five clubs, including those now licensed.

PAR. 6. That under the license issued in accordance with this section no intoxicating liquors shall be sold, given away, or in any way disposed of to any minor, intoxicated person, or habitual drunkard, and ignorance of the age of any such minor shall not be a defense to any action instituted under this section; and no licensee under this section shall sell, give away, or dispense any intoxicating liquors to any person between the hours of one o'clock a. m. and seven o'clock a. m., nor on Sundays or Inauguration Day; and between said hours, and on Sundays, and Inauguration Day every barroom and other place where intoxicating liquors are sold shall be kept closed; that no minor under the age of eighteen years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel, restaurant, or club; that the interior of every barroom shall at all times when selling is prohibited be exposed to full view from the street, without obstruction by screens, blinds, curtains, stained glass, bottles, boxes, signs, or other material, except in the case of clubs licensed under this section and hotels having only an interior barroom, which shall be exposed to full view from the corridors or passageways leading to the entrance or entrances to such barroom.

PAR. 7. That any minor who falsely represents his age for the purpose of procuring intoxicating liquors shall be deemed guilty of a misdemeanor, and be fined for each offense not more than \$50, and in default in the payment of such fine shall be imprisoned in the reformatory or workhouse of said District not exceeding thirty days.

PAR. 8. That no license under this section shall be issued for a longer period than one year, and the year shall begin on the first day of November and end on the last day of October following; and no license shall be transferred by the licensee to any other person or to any other place, except with the written consent of the excise board upon a regular application therefor in writing and after notice and hearing as in this section provided upon an original application for a license; and the fee to be paid by the party applying for such transfer shall be \$2, which shall be paid to the collector of taxes of the District before such transfer is made: *Provided*, That the excise board shall not allow the transfer of the license of any person against whom there are pending in the courts or before the excise board charges of keeping a disorderly house or violating the excise laws or the laws against gambling in the District of Columbia.

PAR. 9. That every person receiving a license to sell liquor under this section shall frame the same under glass and place it in a conspicuous place in his place of business, so that anyone entering such place may easily read such license.

PAR. 10. That all applicants for license and persons holding licenses under this section shall allow any member of the excise board or the duly authorized inspector of the said board full opportunity and every facility to examine, at any time during business hours, the premises where intoxicating liquor is manufactured, sold, or for which a license is asked or has been granted; and the same opportunity and facility shall be afforded, by the licensee or some person acting in his stead, any member of the Metropolitan police force, who has reasonable belief that the law is being violated, to enter and examine at all times such licensed places, and no person or persons shall obstruct, hinder, or in any manner molest such inspector or officer, provided such inspector or officer exhibits a badge showing he is such inspector or officer.

PAR. 11. That regularly licensed druggists or pharmacists shall not be required to obtain license under the provisions of this section, but they shall not sell intoxicating liquors, nor compound, nor mix any composition thereof, nor sell any malt extract, or other proprietary medicines containing more than two per centum of alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient required such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the excise board or the courts when required: *Provided*, That pure grain alcohol may be sold without a physician's prescription for mechanical, medicinal, and scientific purposes by registered druggists or pharmacists, who shall keep a book for the purpose of registering such sales in a similar manner or form as required for the sale of intoxicating liquors as provided in this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not more than fifty dollars, and in default of the payment of such fine shall be imprisoned in the workhouse of said District not exceeding thirty days.

Any druggist or pharmacist who shall sell or dispense any intoxicating liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescriptions, or who shall violate any other provisions of this paragraph, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in paragraph twelve of this section. Upon a second conviction for said offense, in addition to the penalties prescribed in said paragraph twelve, it shall be a part of the judgment of conviction

that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any intoxicating liquor except for treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$200, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than thirty nor more than ninety days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

PAR. 12. That any person, company, copartnership, corporation, club, or association manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing any intoxicating liquors in the District of Columbia, without first having obtained a license as herein provided, or shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, or give away intoxicating liquors in any part, section, or district of the District of Columbia wherein the same is prohibited by law, upon conviction thereof shall be fined not less than \$250 nor more than \$800, and in default in the payment of such fine be imprisoned in the District jail or workhouse for not less than two months nor more than six months; and upon every subsequent conviction for such offense shall, in addition to the penalty named, to wit, a fine of not less than \$250 nor more than \$800 be imprisoned in the workhouse of the District of Columbia not less than three months nor more than one year.

PAR. 13. That any person, company, copartnership, corporation, or club having obtained a license under this section, who shall violate any of its provisions shall, upon conviction of such violation, be fined not less than \$100 nor more than \$500, and the excise board may, in its discretion, revoke the license; and upon a second conviction of such violation such licensee shall be fined not less than \$200 nor more than \$500, and in addition to such fine the excise board shall immediately revoke the license. That upon the conviction of any licensee of keeping a disorderly or disreputable place, it shall be the duty of the excise board to immediately revoke the license of such convicted licensee, and after such revocation no license shall again be granted to him for said place or elsewhere, nor shall a license be granted to anyone else for said place for a period of three years from the date of said revocation of license.

PAR. 14. That no licensee under this section shall allow any female or any minor or any person convicted of crime, to sell, give, furnish, or distribute any intoxicating liquors, or any admixture thereof, to any person or persons, or except in the cases of hotels, restaurants, and clubs shall permit the playing of pool or billiards, or any other games whatever, in the room where such liquors are sold or drunk, or in any adjoining or intercommunicating room; nor shall he, except in the case of hotels, restaurants, and clubs, permit the playing of music or theatricals of any kind, or provide other amusements in his place of business or in connection therewith. Nor shall any barroom licensee establish more than one bar under his license, and the sale or dispensing of liquors, except in case of hotels, restaurants, and clubs, shall be confined to the room in which said bar is located; nor provide or permit to be used more than one entrance to said barroom from the street, which entrance shall be the one mentioned in his application for license, unless the excise board shall especially permit an extra entrance. Nor shall any barroom licensee sell, give, furnish, or distribute any intoxicating liquors to any female, nor permit any female to enter or remain in his barroom: *Provided*, That bona fide guests of hotels, restaurants, and clubs having a license to sell intoxicating liquors may be served with liquors at meals in such hotels, restaurants, and clubs during the time liquor may be sold: *Provided further*, That no place shall be deemed a restaurant within the meaning of this paragraph until the same shall have been declared such by action of the excise board.

PAR. 15. That all applicants who have had a license during the preceding year who so desire shall apply for a renewal of such license on or before the first day of September of each license year: *Provided*, That in the event of the death of a person having a license under this section during a license year there shall be refunded to the personal representative of the deceased such amount of the license fee in proportion to the unexpired part of the license year: *Provided further*, That the minimum portion of said license fee to be retained for any portion of the license year, irrespective of its proportion to the entire year, shall be \$200 in the case of barroom licenses and

\$100 in the case of wholesale licenses: *Provided further*, That the personal representative of any deceased licensee may within thirty days after the death of such licensee transfer said license in accordance with the provisions of this law, touching transfers of licenses.

PAR. 16. That no license, either wholesale or barroom, shall be issued to any person or for any place located within one thousand feet of the grounds of the marine barracks, the War College, and engineer barracks, or of the navy yard, in the District of Columbia.

PAR. 17. That any person assisting in or aiding and abetting the violation of any of the provisions of this section shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not less than \$50 nor more than \$100, or be imprisoned in the District jail or workhouse for not more than three months for each and every offense: *Provided*, That no witness shall be excused from testifying in any case brought under this section on the ground that his answers may tend to incriminate him in connection with any violation of this section, and such witness so testifying shall not thereafter be prosecuted for violation of any provision of this section concerning which such witness may have testified.

PAR. 18. That prosecutions for violations of the provisions of this section shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

PAR. 19. That if one or more persons who are competent witnesses shall charge on oath or affirmation before the corporation counsel of the District of Columbia, or any of his assistants duly authorized to act for him, representing that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this section by manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, giving away, or otherwise furnishing intoxicating liquor without license, and shall request said corporation counsel, or any of his assistants duly authorized to act for him, to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him at once to thoroughly search said described room, house, building, or other place and the appurtenances thereof, and if any such shall be found to take into his possession and safely keep, to be produced as evidence when required, all intoxicating liquors (if the same shall be found in quantities and in condition to suggest that it is kept for sale), and all the means of dispensing same, also all the paraphernalia or part of the paraphernalia of a barroom or other intoxicating-liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of intoxicating liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia; and such intoxicating liquor or the means for dispensing same, or the paraphernalia of a barroom or other intoxicating-liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of intoxicating liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of paragraph one of this section as charged or presented. If the accused shall be found guilty, the intoxicating liquor so seized shall, after the trial and time for writ of error, if no writ of error is taken, be destroyed by the police department; if the accused be found not guilty, the whole shall be held as his, its, or their property, or the property of the real owner.

PAR. 20. That it shall not be necessary in order to convict any person, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants of manufacturing or selling intoxicating liquors without license, or, in any section of the District of Columbia where the manufacture and sale is prohibited, to prove the actual sale, delivery of, or payment for any intoxicating liquors, but the evidence of having or keeping them in hand and offering to sell or barter, exchanging for goods or merchandise, shall be sufficient to convict; nor shall it be necessary in a warrant or in information to specify the particular kind of liquor manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, but it shall be sufficient to allege in the warrant or information that the accused manu-

factured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, or kept it deposited to sell or barter.

PAR. 21. That every person who shall, within the District of Columbia, directly or indirectly, keep or maintain, by himself or by associating or combining with others, or who shall in any manner aid, abet, or assist in keeping or maintaining any club-room or other place in which any intoxicating liquors, the sale of which without a license is prohibited by this section, is received or kept for the purpose of use, sale, barter, giving away, or otherwise furnishing, or for distribution or division among the members of any club or association by any means whatever, without first having a license so to do, or in sections of the District wherein the sale of intoxicating liquor is prohibited, and every person who shall use, sell, barter, give away, or otherwise furnish, distribute, or divide any such liquors so received or kept shall be guilty of a misdemeanor and subject to the penalties prescribed in paragraph twelve of this section.

PAR. 22. That any person who shall, in the District of Columbia, in any street or alley, in any public place, or in or upon any street car, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road, or in any passenger coach, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not less than five days nor more than thirty days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

PAR. 23. That the issuance of an internal-revenue special tax receipt or certificate by the United States to any person as a wholesale or retail dealer in distilled liquors or in malt liquors at any place within the District of Columbia shall be prima facie evidence of the sale of intoxicating liquors by such person at such place, or at any other place of business of such person in the District where such special tax receipt is posted and at the time charged in any prosecution under this section, but such time must be within the life of such receipt or certificate.

PAR. 24. That in the interpretation of this section words of singular number shall be deemed to include their plurals, and words of masculine gender shall be deemed to include the feminine, as the case may be.

PAR. 25. That this section shall be in full force and effect from and after July first, nineteen hundred and thirteen, and shall be in lieu of and as a substitute for all existing laws and regulations in the District of Columbia in relation to the sale of intoxicating liquors in said District, except such laws as prohibit the sale of intoxicating liquors in certain defined sections or parts of the District and laws of Congress pertaining to persons, premises, and territory over which the Federal Government exercises jurisdiction; and all laws and parts of laws inconsistent with this section, except such laws above referred to, be, and they are hereby, repealed.

Approved, March 4, 1913.

[PUBLIC—No. 107.]

An Act to prohibit the granting of liquor licenses within one mile of the Soldiers' Home.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this act no license for the sale of intoxicating liquor at any place within one mile of the Soldiers' Home property in the District of Columbia shall be granted.

Approved, February 28, 1891.

[PUBLIC—No. 47.]

An Act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to sell, either by wholesale or retail, intoxicating liquor of any kind at any point between the Government Hospital for the Insane and the Home for the Aged and Infirm, or within a radius of one-half mile of the boundaries of either of the said properties.

Approved, February 1, 1907.

RULES AND REGULATION.

ADOPTED BY THE EXCISE BOARD FOR THE DISTRICT OF COLUMBIA.

In accordance with section 9 of an act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913.

(The number in parentheses after each section of these rules and regulations indicates the paragraph of the excise law involved.)

Wherever there is no reference to a paragraph of the excise law, the general power and authority of the excise board under the law has been invoked.)

SECTION 1. Wherever the term "intoxicating liquors" is used in these rules and regulations it shall be deemed to include whisky, brandy, gin, wine, cordials, rum, ale, porter, beer, hard or fermented cider, and all other fermented, distilled, spirituous, vinous, and malt liquors, and every mixture of liquors which shall contain more than two per centum, by weight, of alcohol, and any mixture of liquor which shall contain less than two per centum of alcohol, if the same shall be intoxicating. (1)

SEC. 2. No license shall be issued to a hotel, as such, having less than fifty bedrooms for guests. This shall be effective from and after November first, nineteen hundred and thirteen. (2)

SEC. 3. Beginning November first, nineteen hundred and fourteen, not more than three saloons or barrooms other than in hotels or clubs shall be permitted on one side of a street between intersecting streets, nor more than four on both sides of a street between intersecting streets. (2)

SEC. 4. Beginning November first, nineteen hundred and fourteen, no barroom license shall be granted within three hundred feet of any alleyway occupied for residences or places commonly called slums, measured between the nearest entrances thereto by the shortest course of travel, except upon the unanimous vote of all three members of the excise board. (2)

SEC. 5. Beginning November first, nineteen hundred and fourteen, no saloon, barroom, or other place where intoxicating liquors are sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within four hundred feet of any public schoolhouse, or a now located or established college, or university, or within four hundred feet of any now established house of religious worship, measured between the nearest entrances thereto by the shortest course of travel. (2)

SEC. 6. Beginning November first, nineteen hundred and fourteen, no barroom licenses shall be granted on any side of a street where less than fifty per centum of the foot frontage between intersecting streets, excluding the part of buildings wherein barroom licenses are held, is used for business purposes: *Provided*, That this restriction shall not apply to hotels and clubs. (2)

SEC. 7. Beginning November first, nineteen hundred and fourteen, wholesale licenses (to sell intoxicating liquors in quantities of five gallons and over) shall not be granted on any side of a street where less than fifty per centum of the foot frontage between intersecting streets, excluding the part of all buildings wherein barroom licenses are held, is used for business purposes, except where intoxicating liquors are not to be sold and delivered on the premises. (2)

SEC. 8. Wholesale licenses may be granted, without restriction as to location (except within four hundred feet of any public schoolhouse, or a now located or established college, or university, or within four hundred feet of any now established house of religious worship), in cases where the licensees sell intoxicating liquors in quantities less than five gallons. (2)

SEC. 9. Should there be pending before the excise board on September second, nineteen hundred and fourteen, more than three hundred applications for renewals of barroom licenses, including those in hotels and clubs, filed by applicants equally worthy, in the opinion of the excise board, licenses will be refused to those applicants in excess of three hundred who last secured transfers of their licenses from the prohibited sections into the business streets. (2)

SEC. 10. A blank form of petition for license to sell intoxicating liquors in the District of Columbia shall be furnished by the excise board to each person desiring to apply for such license.

The petitions shall be considered and acted upon by the excise board in the order in which they are received. (4)

SEC. 11. A notice shall be posted by the applicant conspicuously on the front of every building wherein a license to sell intoxicating liquors is applied for. Whenever the building fronts on two or more streets the notice shall be posted on each

front. When a renewal of license is applied for the notice shall be posted from September first to September fifteenth, both inclusive. When a transfer of license from one person to another or from one location to another is applied for during the license year, the notice shall be posted for the period of fifteen days beginning with the day the application is filed.

The excise board shall furnish each applicant with the notice card required to be posted. The form of such notice shall be as follows:

NOTICE IS HEREBY GIVEN
THAT
HAS APPLIED FOR A
(Barroom or wholesale liquor)
LICENSE AT THIS PLACE.

During the time that the notice is posted no other sign of like size or appearance shall be displayed on the outside of the proposed licensee's premises. (4)

SEC. 12. All applicants for licenses or renewals of licenses for the license year beginning November first, nineteen hundred and thirteen, shall post the notice mentioned in section eleven of these rules and regulation, from October first to October fifteenth, nineteen hundred and thirteen, both inclusive. (4)

SEC. 13. All protests against the granting or transferring of a license must be in writing, signed by the protestants, and filed with the excise board within ten days from the date of posting notice of application for such license or transfer.

In any case where a protestant desires to be heard in person, the excise board shall fix the time for such hearing, and notice thereof shall be sent to the applicant for license, as well as the protestant. (4)

SEC. 14. There shall be three classes of barroom licenses, as follows:

(a) Where the licensee conducts a barroom only, in which case he, or she, or it is prohibited from dispensing intoxicating liquors to women entirely, and is prohibited from dispensing liquors to adult males anywhere outside of the room where the bar is located.

(b) Where the licensee conducts a bar and restaurant and his, her, or its place of business has been declared a restaurant within the meaning of the excise law, the licensee may dispense intoxicating liquors (not personally, if a female) to adult males in any room on the premises, and may dispense intoxicating liquors (not personally, if a female) to adult females with meals only, and only in such dining rooms as are described in section twenty-three of these rules and regulations.

(c) Where the licensee is a club or conducts a hotel, it, he, or she (not personally) may dispense intoxicating liquors to adult males anywhere on the premises, and may dispense intoxicating liquors (not personally, if a female) to adult females with meals only anywhere on the premises. (5)

SEC. 15. Under a wholesale liquor license, intoxicating liquors shall be sold in sealed packages only and each package shall contain not less than one quart; except that any sealed original or bonded package containing not less than approximately one pint may be sold. (5)

A "sealed original" package comprehends a package not filled at the time of sale, but one carried in stock, whether filled on the premises of the licensee or elsewhere.

A "sealed" package comprehends a package securely sealed, whether sealed at the time of sale or before. (5)

SEC. 16. Every license to a club or other corporation shall be issued in the name of its president, who shall make, execute, and swear to a petition for license containing:

(a) The names and addresses of the officers and directors.

(b) Except in cases of hotels, clubs, and makers, brewers, and distillers of intoxicating liquors, the names and addresses of all stockholders and the stockholding interest of each.

Every application for license to a club shall be accompanied by the certificate of its president, in the following form:

"In accordance with paragraph 5, section 9, of the act of Congress, approved March 4, 1913, constituting the liquor law of the District of Columbia, I,, president of, Club of the city of Washington, District of Columbia, hereby certify that said club is duly incorporated; that its membership is bona fide, all being on an equal status with equal privileges and responsibilities; that its pur-

poses are legitimate and that the sale of liquor intended is no more than an incident and is not a prime source of revenue; that the officers of said club are as follows, viz:

.....

.....

.....

..... "President." (5)

SEC. 17. Every corporation (including clubs and hotels) applying for a license shall file with its petition a certified copy of its charter or articles of incorporation. (5)

SEC. 18. Minors under the age of eighteen may enter a wholesale liquor store in a case where the licensee also sells merchandise other than intoxicating liquors, and where the intoxicating liquors are carried in stock and sold in a section of the store set apart for that purpose by a railing: *Provided*, That no minor, under the age of eighteen, shall be permitted to enter the place so set apart: *And provided further*, That no intoxicating liquors shall be sold, given away, or in any way disposed of to a minor. (6)

SEC. 18. (a) For the purpose of cleaning up and doing other necessary work, licensed premises may be entered or occupied by licensees and their regular employees between six forty-five o'clock a. m. and seven o'clock a. m., except on Sun days and Inauguration Day; and between the hours of ten o'clock a. m. and twelve o'clock noon on Sundays and Inauguration Day: *Provided*, That neither said licensees nor their employees shall drink, sell, give away, or dispense any intoxicating liquors during the times mentioned. (6)

SEC. 19. A licensee desiring to transfer his, her, or its license from one location to another shall make application in writing to the excise board for such transfer, stating:

(a) The exact location of the particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as will definitely locate it.

(b) The full name and residence of the owner of the premises where the license is desired.

No transfer (either to another person or another place) can be approved until the applicant therefor shall have paid to the collector of taxes of the District of Columbia the fee of \$2 required by law, and evidence of such payment shall have been filed with the excise board. (8)

SEC. 20. A licensee desiring to transfer his, her, or its license to another shall make application in writing for such transfer, giving full name of proposed licensee. In every such case the proposed licensee shall file the petition for license referred to in section ten of these rules and regulations. (8)

SEC. 20. (a) In case of the death of a licensee, the duly authorized personal representative of the deceased or any person or persons authorized by the Supreme Court of the District of Columbia may, with the consent in writing of the excise board, conduct the business for a period of not exceeding thirty days after such death, and, unless the license be transferred within thirty days (including the fifteen days' posting required by sec. 11 of the rules and regulations) after the death of the licensee, the license shall expire, in accordance with paragraph 15 of the excise law.

SEC. 20. (b) Except in case of the death of a licensee any person or persons duly authorized by the Supreme Court of the District of Columbia may, with the consent in writing of the excise board, conduct the business of a licensee for a period of not exceeding sixty days. In such cases posting of the licensed premises shall not be required. (8)

SEC. 21. (a) No licensee shall allow any female, minor, or any person convicted of crime, to sell, give, furnish, or distribute any intoxicating liquors, or any admixture thereof, to any person or persons.

(b) Except in cases of hotels, restaurants, and clubs, no licensee shall permit the playing of pool or billiards, or any other games whatever, in the room where intoxicating liquors are sold or drunk, or in any adjoining or intercommunicating room. Every pool or billiard room shall have a separate entrance from the street and no entrance from within the building accessible from the barroom.

(c) Except in cases of hotels, restaurants, and clubs, no licensee shall permit the playing of music or theatricals of any kind, or provide other amusements in his, her, or its place of business or in connection therewith.

(d) No licensee shall establish more than one bar under his, her, or its license.

(e) Except in cases of hotels, restaurants, and clubs, no licensee shall sell or dispense intoxicating liquors elsewhere than in the room in which the bar is located.

(f) Only one entrance to a barroom from the street, which entrance shall be the one mentioned in his, her, or its application for license, is permitted; and no other entrance to said barroom from any street, or from any public or private alley or passageway outside of the building in which a barroom license is granted shall be used or allowed unless the excise board shall especially permit an extra entrance upon written application therefor by a licensee.

(g) No licensee shall sell, give, furnish, or distribute any intoxicating liquors to any female, nor permit any female to loiter or remain in his, her, or its barroom: *Provided*, That bona fide guests of hotels, restaurants, and clubs having licenses to sell intoxicating liquors may be served with liquors at meals in such hotels, restaurants, and clubs during the time liquor may be sold: *Provided further*, That no place shall be deemed a restaurant within the meaning of the excise law until the same shall have been declared such by action of the excise board.

The provisions and prohibitions of this section of these rules and regulations became effective July first, nineteen hundred and thirteen. (14)

SEC. 22. No place shall be declared a restaurant within the meaning of the excise law unless, in the opinion of the excise board, its kitchen and dining-room facilities are sufficient to prepare and serve regular meals to guests. (14)

SEC. 23. Intoxicating liquors may be served to females in restaurants (declared such by the excise board) only with meals, meaning food for the female costing in each case not less than 25 cents, and only in a dining room having at least one entrance from a public hallway or from a main or public dining room, and the entrance shall afford a full view of the interior of the dining room at all times, and neither a door nor other means for shutting off, or partially shutting off, such view shall be attached thereto or used in connection therewith. No licensee shall keep or maintain any dining room not open to full view from a public hallway or a main or public dining room in the manner indicated herein. The closed door "private dining room" is prohibited.

SEC. 24. In the issuance of licenses no distinction shall be made between males and females: *Provided*, That no female, including female licensees, shall be permitted to personally dispense intoxicating liquors. (14)

SEC. 25. The application of the personal representative of a deceased licensee for refund, or for transfer of license, shall be accompanied by a certified copy of his, her, or its letters testamentary or of administration, as the case may be. (15)

SEC. 26. That which is generally known in clubs as the "locker system" is prohibited. (21)

SEC. 27. Intoxicating liquors shall be dispensed only in sealed packages when intended for consumption elsewhere than at the place of sale. What is generally known as the "growler" or "bucket" trade is prohibited.

SEC. 28. The name of the proprietor and the word "café," "buffet," "bar," "bar-room," or "restaurant" only shall be displayed by the licensee on the building wherein a barroom license has been granted, except in cases of hotels and clubs.

SEC. 29. Where a wholesale license has been issued, in addition to the name of the proprietor the words "wholesale liquors and wines" only shall be displayed on the outside of the licensee's premises, except in cases where merchandise other than intoxicating liquors is sold. The kinds and prices of liquors displayed in windows may be indicated by cards six inches square, and all other signs and cards advertising intoxicating liquors, visible from the street, are prohibited.

SEC. 30. Wherever intoxicating liquors are sold, the display of obscene pictures is prohibited.

SEC. 31. No licensee shall permit barrels, kegs, or cases to remain on the pavement in front of his, her, or its premises longer than is absolutely necessary.

SEC. 32. Two members of the excise board shall constitute a quorum for the transaction of business.

SEC. 33. Interested persons and their attorneys are admonished not to attempt to discuss pending questions with individual members of the excise board; all such discussion must be had before members while sitting as a board and not otherwise.

The foregoing rules and regulations were adopted by the excise board the twenty-third day of September, nineteen hundred and thirteen, and amended to this tenth day of September, nineteen hundred and fourteen.

ROBERT G. SMITH, *Chairman*,

HENRY S. BAKER,

COTTER T. BRIDE,

Excise Board for the District of Columbia.

The CHAIRMAN. I have here a letter addressed to the excise board by Mr. Albert E. Shoemaker, your attorney, in which he sets out the

instances in which the board made changes in the law. Will you please read that letter for the information of the committee?

Mr. WILSON. This letter reads as follows:

WASHINGTON, D. C., September 25, 1913.

To the honorable the EXCISE BOARD, DISTRICT OF COLUMBIA,

District Building, Washington, D. C.

GENTLEMEN: Yesterday and the day before you very kindly accorded me opportunities to express to you verbally the objections of the Anti-Saloon League to certain sections of your recently adopted rules and regulations authorized by the excise law. In order that these objections may be made a matter of record in your office, and so that there may be no misunderstanding of the attitude of the league in reference thereto, I desire to submit the following memoranda:

Section 2: The words "as such," after the word "hotel," are objected to for the reason that they appear to permit the granting of a barroom license to a hotel with less than 50 bedrooms for guests; in other words, such a hotel may have a barroom license, which, in my opinion, is at variance with the law, which, in section 2, provides that "Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests."

Section 3: This section is objected to for the reason that it defers the reduction of the number of barrooms on blocks from November 1, 1913, to November 1, 1914, which is at variance with the intent and purpose of the act. It is the duty of the excise board to refuse to relicense more than four barrooms on any one block, and not more than three on one side of any block.

Section 4: This section is protested for the reason that it defers the right and privilege of a member of the excise board to object to the granting of a barroom license within 300 feet of an alley occupied for residents, or places commonly called "slums," to November 1, 1914, which, in my opinion, is contrary to the expressed intent and purpose of the act.

Section 5: This section is objected to because it permits the maintenance of barrooms and wholesale liquor establishments within 400 feet of public schoolhouses, established colleges, universities, and houses of religious worship for the year beginning November 1, 1913, contrary to what seems to be a plain provision of the law.

Section 6: The last sentence of this section "that barroom licenses may be granted to hotels and clubs without restrictions as to location" is contrary to law and is protested. The law provides no exception in favor of hotels and clubs when it comes to their location in residence districts or on residence streets. This section is further protested for the reason that it permits the granting and maintenance of barroom licenses on a side of a street where less than 50 per cent of the foot frontage between intersecting streets, excluding buildings wherein barroom licenses are held, is used for business purposes, until November 1, 1914, contrary to law.

Section 8: This section is objected to because it permits licensing of wholesale liquor establishments on residence streets or in residence sections contrary to the expressed provisions of the law.

Section 18: The expressed permission of the excise board given in this section for minors to enter wholesale liquor establishments where groceries or other merchandise are sold is objected to on the ground that the excise board has no power under the law to enact such a rule, as the same is contrary to the expressed provisions of the act.

Section 24: This section is objected to because it is in violation of the spirit and plain intent of the law that females should not conduct bar rooms.

The above-noted objections to your rules and regulations are not offered in an antagonistic sense, nor are they intended in any way to reflect on the conscientious work and fairmindedness of the members of the board. However, the constructions of the law objected to, if allowed to stand, will so vitally reduce the force and effect of the law that this protest is made necessary.

The Anti-Saloon League has a duty to perform on behalf of its large constituency in the District, which is anxious for the best possible results from the new law. Without question, the act is a remedial one, and as such should be so administered; that questions arising under it involving doubt should be resolved in favor of the law and the community rather than in favor of the traffic in whatever form it takes. Believing thus, the Anti-Saloon League appeals to you to give further consideration to these matters before they are finally printed and given to the public.

Very respectfully submitted.

A. E. SHOEMAKER,

Attorney, Anti-Saloon League, District of Columbia.

Senator THOMPSON. Did you or they later receive a reply to this letter?

Mr. WILSON. Yes; there was a reply received, and I have in my hand at this time an original copy of that reply, signed by the chairman of the excise board, which was sent to me.

Senator THOMPSON. What was the date of your letter?

Mr. WILSON. The letter of Mr. Shoemaker was dated the 25th of September, 1913.

Senator THOMPSON. And the answer of the excise board is dated September 26, 1913?

Mr. WILSON. Yes.

Senator THOMPSON. Just read that letter for the information of the committee.

Mr. WILSON. This letter reads as follows:

EXCISE BOARD FOR THE DISTRICT OF COLUMBIA,
Washington, September 26, 1913.

The ANTI-SALOON LEAGUE, *Washington, D. C.*

DEAR SIRS: The excise board is in receipt of your communication of the 25th instant, wherein objection is made to sections 2, 3, 4, 5, 6, 8, 18, 24 of its rules and regulations, recently adopted.

The sections will be considered here in the order mentioned.

Sections 2 to 5: Your objections to sections 2, 3, 4, 5 deal exclusively with the question "Shall any licensee who in the conduct of his business does not violate the law be deprived of his license or required to change his location prior to November 1, 1914?" On this point the law reads:

"In the issuing of licenses for barrooms it shall be the duty of the excise board to adopt such a policy as will reduce the number of barrooms, including those in hotels and clubs, to not exceeding three hundred by November first, nineteen hundred and fourteen, but no licensee who shall conduct his business within the law shall be deprived of his license or required to change his location before November first, nineteen hundred and fourteen."

It is the opinion of the excise board that Congress meant just what it said, that no licensee who does not violate the law shall be deprived of his license prior to November 1, 1914. This view is not only supported by the language of the law, but also by the very clear expressions of views by Members of the House of Representatives on the floor of the House during the discussion of the excise law.

The Hon. Edwin Y. Webb said:

"We extend the time for the reduction of the number of saloons to 300 to November, 1914. That gives the present barkeepers 18 months to sell out and close up business." (Cong. Record, vol. 49, No. 74, p. 4723.)

The Hon. Swagar Sherley said:

"It gives 18 months to men now in the saloon business to accommodate themselves to the new conditions. It does regulate by eventually reducing the number of saloons to 300, and included in that number are the clubs, which are limited to 25." (Cong. Record, vol. 49, No. 74, p. 4715.)

Section 6. The Excise Board has declared that it was not the intention of Congress to eliminate clubs and hotels from the residential portions of the District. While the law recognizes only two kinds of licenses, "wholesale liquor and barroom licenses," it clearly distinguishes between a barroom as an institution and a barroom license. In paragraph 2 of the Excise Law, which excludes barrooms from residential streets, the law distinctly refers to "barrooms" and not to all institutions having "barroom licenses." The language of the law is:

"Hereafter no license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors * * * in any residence portion of the District of Columbia; and it shall be the duty of the Excise Board to determine in the case of each application for license whether the location where the barroom is to be located is or is not within the business portion of the District, * * * ; Provided, That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than fifty per centum of the foot frontage, not including saloons or hotels and clubs having barroom licenses * * *."

In practically every other paragraph of the law hotels and clubs are expressly exempted from the restrictions placed on barrooms or saloons. And it is clear that in eliminating licenses from residential streets there was no intention to disturb clubs and hotels, the plain purpose of Congress being to wipe out barrooms as such.

Section 8. The law reads:

"Hereafter no license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises in any residence portion of the District of Columbia; * * * nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided."

A casual reading of this language leads to the conclusion that the opening sentence is directly contradicted by the closing one. A careful study of the entire paragraph, however, and of the entire Excise Law, indicates that Congress did not intend to eliminate from residential streets the fancy grocery stores which incidentally handle intoxicating liquors for the family trade. To reach the conclusion that wholesale licenses were to be excluded it would be necessary to eliminate from the law entirely the words "otherwise than in sealed packages and not to be drunk on the premises." The Excise Board is not of the opinion that the language quoted is meaningless. It is the duty of the Excise Board in construing the law to give effect to all of its language wherever by doing so a reasonable conclusion can be reached. The rules and regulations provide that the fancy grocery and liquor store is not to be eliminated from the residential streets, but that the large wholesale liquor establishments shall be, thus giving effect to all the language quoted.

Section 18. The language of the law involved in this section is:

"No minor under the age of eighteen years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel, restaurant, or club; * * *"

While this language would appear to preclude permitting a minor in any store where intoxicating liquors are sold, the excise board concluded that Congress did not intend to prohibit the sending of a minor into a fancy grocery store for groceries because intoxicating liquors might also be on sale therein. It is to be noticed that minors are not permitted to enter or remain "in any place where intoxicating liquors are sold." This section of the rules and regulations expressly provides that no minor shall be permitted to enter or remain in the place in a store where intoxicating liquors are carried in stock or sold; that place must be railed off and minors are prohibited from entering therein.

Section 24. There is not one word in the entire excise law directly precluding the granting of a license to a female. At the time of the enactment of this legislation more than 30 females held liquor licenses in the District of Columbia, and had Congress intended to legislate them out of business it could and would have said so directly. As showing a contrary intention, the language of paragraph 24 is:

"That in the interpretation of this section words of singular number shall be deemed to include their plurals, and words of masculine gender shall be deemed to include the feminine, as the case may be."

Respectfully,

JOS. C. SHEEHY, *Chairman.*

The CHAIRMAN. What occasion have you had to observe the manner in which the excise board has conducted itself in reference to the licensing of saloons and permitting them to operate in the District?

Mr. WILSON. Broadly speaking, I am of the opinion that the excise board has exercised its discretion as far as possible on the side of the liquor interests. There is one case which was a flagrant violation of the law, in my opinion. Louise Gordon was permitted to operate a barroom, in violation of the law and without a license, from March 15, 1914, until the morning of June 27, 1914, and it was then closed by reason of representation which I personally made to the Hon. Frederick L. Siddons, then Commissioner of the District of Columbia. I think I have somewhere a letter which I wrote on that occasion—a copy of it. On June 26, 1914, by chance I met Mr. Siddons in a lunch room. He asked me what I thought about the conditions of the excise board. I told him they were not very good; that there were some very unpleasant things occurring; and that the most striking one that I recalled at that moment was the permitting of a barroom to run at 407 Q Street without a license from

March 15 until that time. That afternoon I wrote this letter to Mr. Siddons:

JUNE 26, 1914.

HON. FREDERICK L. SIDDONS,

Commissioner of the District of Columbia, Washington, D. C.

DEAR MR. COMMISSIONER: Your attention is respectfully called to the continued violation of the excise law at 407 Q Street NW. This place is undoubtedly being run without a license.

It appears John H. Gordon had a license for a bar room at said place. Mr. Gordon died February 13, 1914. On April 28, 1914, Louise Gordon, the widow, made application for a transfer of the license from the estate to herself. Under the law no transfer could be permitted after the expiration of 30 days from the date of John H. Gordon's death. A hearing on the application was had before the excise board May 19, 1914. Many cases have been heard and acted upon since that hearing and yet no decision in that case. This is all the more remarkable because in addition to the plain provisions of the law the corporation counsel has filed an opinion in the case. If the excise board can permit the violation of the law in this case the same course can be pursued in any number of cases.

Not only as president of the Anti-Saloon League, but also as a citizen and as the owner of four houses in that general locality, I request that as the commissioner in charge of the metropolitan police you close the said saloon at 407 Q Street NW., by taking whatever measures may be necessary and proper to accomplish the purpose.

Very respectfully, yours,

ANDREW WILSON.

In response to that letter I received from Commissioner Siddons the one I hold in my hand.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 27, 1914.

MR. ANDREW WILSON,

Attorney at Law, Evans Building.

DEAR MR. WILSON: I have your letter of the 26th instant, calling attention to what you believe is a continued violation of the excise law at the place mentioned in your letter. Having ascertained that the corporation counsel was called upon to render an opinion in this very case, I have referred your letter to him with instructions to take such action as is appropriate, should his investigations lead him to conclude that there is a violation of the law as stated by you.

Very truly, yours,

F. L. SIDDONS,
Commissioner.

That matter was called to the attention of the Excise Board by the authorities, and on the morning of June 27, 1914, the said saloon was closed by order of said board. A new license, however, has been granted to Louise Gordon at said number, and the saloon is now in existence at that place.

The CHAIRMAN. When was that new license granted, Mr. Wilson?

MR. WILSON. It was issued on the morning of the 31st of October, 1914.

The CHAIRMAN. What is it you are looking for now?

MR. WILSON. I was looking for a letter that I wrote protesting against the licensing of that place. It is in a residence section.

Senator THOMPSON. Did you make that objection in the first place to the board, that it was in a residence section?

MR. WILSON. Not further than I have indicated in the letter, that I was a property owner in that community. Within a few squares of that place I happen to have four houses. Under date of October 6, 1914, I wrote the following letter to the Excise Board:

OCTOBER 6, 1914.

The honorable the EXCISE BOARD,
Washington, D. C.

GENTLEMEN: As a citizen and property owner I protest against the granting of the application of Louise Gordon for a barroom license at 407 Q Street NW. This place is in a residence district.

From March 15, 1914, to June 27, 1914, this place was operated without a license. The law contemplates that those who disobey the law shall not be licensed. While the law provides the excise board must act after conviction for illegal sales, the spirit of the law relates to the offense, the violation of the law, rather than the conviction.

It is wholly unnecessary to recite the history of this case and the criticism it has occasioned.

Very truly, yours,

ANDREW WILSON.

The CHAIRMAN. Was there any reply?

Mr. WILSON. There was no reply by the excise board to that letter, and the license was granted.

Senator THOMPSON. There is a saloon running there now?

Mr. WILSON. Yes; there was a few days ago. It has been about a week since I was by there.

The CHAIRMAN. I believe you stated that you claimed that this saloon was located in a residence district, or a nonbusiness district?

Mr. WILSON. Yes.

The CHAIRMAN. Or on a nonbusiness street?

Mr. WILSON. It is on a nonbusiness street. It is in a residence section.

The CHAIRMAN. It is at 407 Q Street NW., is it not?

Mr. WILSON. Yes; Mr. Chairman.

The CHAIRMAN. Very well, Mr. Wilson. Now, give us what other instances have come within your notice as to the actions of the excise board in administering the laws relating to saloons and the liquor traffic.

Mr. WILSON. If I may recur for a moment to the rules, I think there has been a very gross violation of the spirit of the law in issuing restaurant licenses to places called hotels which have less than 50 bedrooms for guests. One of the chief reasons for the enactment of the Jones-Works law, as those who proposed it thought, was to get rid of a large class or to get rid of a large number of places of a class which were deemed entirely undesirable in the District of Columbia—places in which immoral practices were indulged. There was one case that came under my observation as attorney, and the record of it is now in the courts, in the Court of Appeals. That was the case of the El Reno Hotel, which was immediately opposite the B. & O. Station here. I happened, upon cross-examination of the proprietor of that establishment in a divorce case, to ask him, when he presented his hotel registers, to read into the record for a certain day, to which I happened to open, for the cross-examination. The testimony in the case showed that there were 24 rooms available for guests. On the particular Sunday to which I opened and which I had the proprietor read into that record there were 47 registrations; 46 of them were of couples, and there were two rooms which had served three couples each on that particular Sunday. That came out in the case of Madison versus Madison, the number of which I can not give, but in which I was counsel for Mr. Madison.

The CHAIRMAN. What was the character of that case?

Mr. WILSON. It was a divorce case.

The CHAIRMAN. When was that case tried?

Mr. WILSON. It was decided on the 23d of December, 1910; and Mr. Justice Gould, in announcing the decision, stated that the El Reno and the Arizona and others, which he did not name—but he did name those two—were judicially known to the courts to be houses of assignation. That was the expression he used.

The CHAIRMAN. Did the present excise board give that place a license?

Mr. WILSON. No; that was before this excise board; but I was giving this as the reason. I was saying that these and many places of this kind formed the reason why the reform organizations of Washington desired the enactment of a law which would preclude possibility of such conduct as that at the El Reno. This was in response to the question why we had asked for the enactment of this provision of the law, and that is somewhat nullified by the excise board.

The CHAIRMAN. Was not a bar conducted in this El Reno up to within the last year or two?

Mr. WILSON. It went out at the time the excise board decided that this law went fully into effect. I can not say when it did go out; but it is out now.

The CHAIRMAN. Did the present excise board refuse to license the El Reno, or have you any knowledge as to that?

Mr. WILSON. I have not any knowledge as to that. I do not believe this excise board did license the El Reno.

The CHAIRMAN. Do you know of any hotels that have been guilty of similar practices since the present excise board came into being?

Mr. WILSON. I have no personal knowledge, nor do I have any records. There are two rather large hotels uptown that have been frequently charged with violation of the excise law, and I have no doubt—

The CHAIRMAN. I would not say as to them, then.

Mr. WILSON. No; I do not personally know.

Senator THOMPSON. Who could give us that information? Do you know?

Mr. WILSON. The Grand Hotel has been in the courts. We have the record in the case of the Grand Hotel. That has been in the courts.

The CHAIRMAN. I will ask you if it is not a fact that a police officer made a report as to immoral practices in the Grand Hotel within the last few months?

Mr. WILSON. That is my understanding; that there is a report on file which the Excise Board has as a part of their records, with reference to the Grand Hotel.

The CHAIRMAN. Have you a list of the hotels with less than 50 rooms that have liquor licenses?

Mr. WILSON. I have not, personally.

The CHAIRMAN. I have a list here which purports to give the names of the hotels or hotel keepers who have saloon licenses, and who have less than 50 rooms:

Geo. J. Bessler, 922 Pennsylvania Avenue NW.
Gustav Buchholz, 1411 Pennsylvania Avenue NW.
J. H. De Atley, 1222 Pennsylvania Avenue NW.
Harvey Co. (Inc.), 1016 Pennsylvania Avenue NW.
Charles Mades, 300 Pennsylvania Avenue NW.

Henry M. Marks, 1000 E Street NW.

John M. Perreard, 513 Thirteenth Street NW.

Jos. Schladt, 1238 Wisconsin Avenue NW.

It is evident that the Grand Hotel is not in this list.

Mr. WILSON. No; it is a larger hotel.

The CHAIRMAN. It is a hotel with more than 50 rooms that has a liquor license, but which has been charged with being the rendezvous for immoral and disreputable practices. Further evidence will be adduced on this subject later.

Now, Mr. Wilson, any further instances the committee would be glad to have, since this board came into existence.

Mr. WILSON. The board permits a beer depot to exist which is at the edge of the mile limit of the Soldiers' Home, in Eckington. I was present at the hearing, and the beer establishment at that place changed its entrance so that the entrance to the place would not be within the mile limit.

The CHAIRMAN. Do you state about that from your personal knowledge?

Mr. WILSON. I speak from what I heard before the Excise Board and what I know of the action of the Excise Board, because I appeared in the case before the Excise Board; that is, I appeared against these places which had the depot within a mile of the Soldiers' Home.

The CHAIRMAN. You have not personally examined that locality?

Mr. WILSON. Yes, I have personally examined it. I know the locality. I know what the testimony there has been.

The CHAIRMAN. You know the entrance was changed?

Mr. WILSON. I know the entrance was changed, and the records of the Excise Board will show that.

Senator THOMPSON. The place of drinking was just the same, was it not?

Mr. WILSON. It was a depot from which beer was delivered to various parts of the city.

The CHAIRMAN. You protested against the location of this beer depot at this point, did you?

Mr. WILSON. We did; and the Anti-Saloon League was represented at the hearing by Mr. Shoemaker, and I was also there.

The CHAIRMAN. The board took the position that that is not a saloon?

Mr. WILSON. No, it was not a saloon. It is a wholesale depot for the delivery of beer and is doubtless run by one of the large out-of-town breweries as an agency or distributing plant of its products to the citizens of the District of Columbia, or others who care to buy.

Senator THOMPSON. Was that place located within the mile limit?

Mr. WILSON. The entrance was within the mile limit.

Senator THOMPSON. I am speaking of the place itself.

Mr. WILSON. A little of it is, but most of it is out. The mile limit runs right through it, and they have arranged that the entrance is outside of the mile limit, but a part of the establishment is now within the mile limit, or was recently.

The CHAIRMAN. Proceed.

Mr. WILSON. There have been a large number of instances in which the licenses have been granted for places within 400 feet of schools and churches in the District of Columbia, if the measurements are made according to the law; that is, by the shortest course of travel,

which I interpret to mean the shortest way that a man would walk over a public right of way between the nearest entrances of the buildings.

The CHAIRMAN. I will state that we are having the District surveyor make the measurements between the saloons and the churches, schools, colleges, and universities that are claimed to be within 400 feet of those saloons.

Mr. WILSON. I know that the attention of the excise board was called in writing to the distance from the north entrance of the New York Avenue Presbyterian Church to Mr. Schriner's place on Fourteenth Street, making the measurement at right angles, and that that distance was 375 feet; but there was no response to that communication, and the license was granted. I did have a conversation with one member of the excise board in regard to it.

The CHAIRMAN. What was that conversation?

Mr. WILSON. I simply said to him, "This man is within 400 feet of this church—of the entrance to this church." He patted me on the shoulder and said, "Well, that is all right; that is all right."

Senator THOMPSON. With whom did you talk?

Mr. WILSON. Cotter T. Bride.

The CHAIRMAN. Was that all your conversation?

Mr. WILSON. That was practically all the conversation in regard to that at that time.

The CHAIRMAN. Did you have any other conversation with Mr. Bride or with any other member of the board with regard to measurements?

Mr. WILSON. Yes.

The CHAIRMAN. State what it was?

Mr. WILSON. Mr. Bride stated to me that we could make our own measurements as well as the Excise Board could make them, and that he deemed that it would be wise for us to make them. He stated in substance that the measurement when it was made from the Eastern High School entrance to a saloon on that street was not properly measured by the Excise Board. He did not say in so many words that the measurement was made in a fraudulent way, but he did say that "any of you could pull back the end of a tape line to make it over 400 feet," or words to that effect; and he said that he did not carry the tape line; that another member of the board had it.

The CHAIRMAN. Did you have any further conversations with Mr. Bride or with any other member of the board regarding measurements?

Mr. WILSON. I do not recall any other conversation regarding measurement, except in reference to the Frank P. Hall case, after there had been two evenings occupied in the hearing of testimony against Mr. Hall's establishment.

The CHAIRMAN. What was that?

Mr. WILSON. At that time Mr. Bride stated to me that it was impossible for him to hold out against the other two members of the board, and that Frank Hall's license would have to be granted, he said, unless we could furnish very much more testimony than we had furnished. He stated that he had already had two rows with the other members of the Excise Board in regard to the matter, and he said, "You must present more testimony;" and then I said to him, "Mr. Hall, when he was on the stand, testified that the alley

was inhabited near his saloon, and there were a number of houses that were inhabited," and I said, "Being inhabited, it only takes one man to prevent the issuance of that license," and I said, "I am going to ask you to see that that miserable place is not again licensed."

Senator THOMPSON. What was the number of that place?

Mr. WILSON. That was at Seventh and K Streets SW., and the license was refused.

Senator THOMPSON. It was refused?

Mr. WILSON. Yes. He stated that he would vote against it, and they cut it out.

The CHAIRMAN. You say that was the case of Frank P. Hall?

Mr. WILSON. Yes.

The CHAIRMAN. He has a license now, has he not?

Mr. WILSON. No; not there.

The CHAIRMAN. Is he not conducting a saloon now at No. 1000 Seventh Street SW.?

Mr. WILSON. I think that is his brother.

The CHAIRMAN. Have you had conversations with any members of the board regarding any other matters connected with the excise law and its administration?

Mr. WILSON. I have, Mr. Chairman.

The CHAIRMAN. Will you state what those conversations were?

Mr. WILSON. I had a conversation with Mr. Bride in regard to a place on Pennsylvania avenue SE. My recollection is that it is between Sixth and Seventh Streets, and the man's name is McDonald. As I recall, two licenses were refused upon this square—two transfers of licenses were refused upon this square—and later Mr. McDonald, either by himself or through intermediaries, purchased from Mr. John F. Donahue a property which Mr. Donahue was holding at \$5,200, and that, I was told, was the price paid to Mr. Donahue.

The CHAIRMAN. You are now detailing what Mr. Bride told you?

Mr. WILSON. Yes. Whether he had the information personally or whether he got it in some other way, I do not know, but I am telling you what he told me.

The CHAIRMAN. All right.

Mr. WILSON. And that either his information was or that the fact was that Mr. McDonald had agreed to pay for that property with a bar in it and a license transferred to him, the sum of \$19,500, and that the bar had cost approximately \$2,500. I also had practically the same information from Mr. William H. Manogue, an attorney, former collector of the port of Georgetown.

Senator THOMPSON. You say you talked this over with members of the board?

Mr. WILSON. I did; with Mr. Bride.

Senator THOMPSON. And they issued a license there?

Mr. WILSON. They issued a license there.

Senator THOMPSON. Have you in mind any other violations, as you construe the law, since the present board came into existence?

Mr. WILSON. Yes, I have; and I had occasion to write, or did write, to the board in regard to apparent irregularities which seemingly they might have prevented. On July 6 I wrote two letters. My copies, however, I think I furnished to Senator Jones prior to the

time that he made his speech in the Senate, and I do not have them, but I have the reply to those letters here, under date of July 8, 1914.

Senator THOMPSON. You called their attention to those matters, then, by letter?

Mr. WILSON. By letter. There were two matters to which I called attention in one of the letters. One was that an attorney had told me that a client of his had come to him and stated that the six saloon keepers opposite the Center Market on that street had been approached by a brewer who had stated that a certain attorney must be employed—Joseph C. Sheehy was the attorney—otherwise they would not get their licenses. This lawyer told me this at Fourteenth and New York Avenue, and the name of the attorney is Michael J. Colbert, and another party was with me at the time, Judge Anson S. Taylor, who heard the statement made by Mr. Colbert. I called the attention of the excise board to that state of facts. I also wrote them concerning a rumor that large fees were contracted to be paid for the transfer of a license to the Evans Building, where my office then was. I asked them to investigate, and this is the response that I had to these two letters:

EXCISE BOARD FOR THE DISTRICT OF COLUMBIA,
Washington, July 8, 1914.

DEAR SIR: The excise board acknowledges receipt of your two communications dated the 6th instant, referring, the one, to Thomas Raftery, who conducts a barroom at 234 C Street N.E., as furnishing intoxicating liquors to minors, in the presence of Messrs. E. W. Oyster and Alexander Mackenzie; the other, to fees said to have been paid to attorneys, with an expression of your views as to what might be done in the premises.

As to Mr. Raftery selling to minors, the gentlemen who witnessed such alleged sale could have filed their information with the corporation counsel, as provided in paragraph 18 of the excise law.

The matter of fees for professional services, the board feels, is one for attorneys and their clients on either side of the question. That services should not require extra large fee in any excise case is the board's belief, yet it also feels that the presence of attorneys should not be regarded with suspicion whatever the fee paid. As a matter of fact, the excise law does not contemplate the presentation of either side of any case through attorneys.

The excise board is grateful for the manner in which you have brought these matters to its attention, but can not see how, within its powers, the situations referred to can be improved at this time.

Respectfully,

R. G. SMITH, *Chairman.*

Mr. ANDREW WILSON,
Evans Building, City.

The CHAIRMAN. Have you had any further conversations with members of the excise board?

Mr. WILSON. Yes; I had a number of conversations with members of the excise board at different times. One of the first conversations that I had, that I recall, was that with the then chairman, Mr. Sheehy. I asked Mr. Sheehy what they were doing toward the investigation of violations of law, and asked him if the inspector had inspected at all. He said that he had not, but they were going to get him out to inspection right away, and they knew there would be criticism if they did not do it.

The CHAIRMAN. Have you had any conversation with any member of the board along the line of any collections being made for members of the board for any purpose?

Mr. WILSON. Yes; I have.

The CHAIRMAN. Please state it.

Mr. WILSON. Mr. Bride said to me, either as a fact or upon information, that two young men in Washington were collecting funds for one member of the excise board.

The CHAIRMAN. Did he say from whom they were collecting the funds?

Mr. WILSON. He intimated that they were—he did not say specifically from whom they were collecting, but the inference was——

The CHAIRMAN. Well, I would not state that.

Mr. WILSON. We were talking of saloon keepers and their paying money for the purpose of getting their licenses and getting transfers of licenses. That is what we were talking of at that time.

The CHAIRMAN. Did he give the names of the young men?

Mr. WILSON. Yes.

The CHAIRMAN. What were they?

Mr. WILSON. One was Mr. Columbus and the other was Mr. Baker's son. I think Mr. Columbus's initials are W. F., and Mr. Baker's son's initials I do not recollect.

The CHAIRMAN. That is the son of Mr. Baker, a member of the excise board?

Mr. WILSON. Yes, Mr. Chairman.

The CHAIRMAN. Did you have any further conversation that you now recall along those lines, that would throw any light on the subject matter of this investigation?

Mr. WILSON. I recall it was stated to me that undoubtedly large fees were being paid to attorneys.

The CHAIRMAN. Now, who told you that?

Mr. WILSON. Mr. Bride told me that he understood large fees were being paid to attorneys; but he stated he did not know what became of the fees after they were paid. I do not know that he had personal knowledge, or that he said that he did, that they were paid.

Senator THOMPSON. Did he say anything about the amounts.

Mr. WILSON. I am not sure that he stated the amount in any case, except in McDonald's case to which I have referred. I know there were many suggestions of fees, but I do not know that they came from the board.

Senator THOMPSON. What was that last statement?

Mr. WILSON. There have been many suggestions of fees that have been paid, but I could not say that there were any of those that came from the board itself, except in the McDonald case.

Senator THOMPSON. You mean——

Mr. WILSON. That fees were being paid to attorneys for transfers of licenses—very large fees.

Senator THOMPSON. Do you know anything about the amounts charged, to be paid, or anything of the kind?

Mr. WILSON. Not personally. We have the record in the case of Columbus v. Sheehy, where \$5,500 was to be paid for the transfer of the license to the Evans Building.

The CHAIRMAN. Please state what that record was.

Mr. WILSON. One McCarthy, who had had a license down in southwest Washington, not far from the railroad tracks, applied for a transfer of license to the Evans Building, 1420-1424 New York Avenue NW. He was represented in that case by W. F. Columbus and Joseph C. Sheehy. Mr. Sheehy was the former chairman of the

Excise Board. At a time prior to this there was some talk of an attempted transfer to the Evans Building, when Mr. Sheehy was on the board, and I spoke to Mr. Sheehy about it, and Mr. Sheehy told me they would not permit a transfer of a license to the Evans Building; that it would be an outrage to bring it there. This license was transferred by the Excise Board. I wrote, on July 6th, a letter protesting against it.

Senator THOMPSON. What year was that?

Mr. WILSON. 1914. I called attention to the large fees which it was said were being paid in that case.

Senator THOMPSON. Have you a copy of that letter there?

Mr. WILSON. I have not. I think that copy was furnished to one of the Senators. I haven't it now. The board, however, undoubtedly has it as a part of its records. Mr. Sheehy and Mr. Columbus represented the applicant at the hearing before the excise board, and were probably there an hour and a half or two hours. I was present throughout the hearing. The record in the court shows that a \$500 retainer was paid. Afterwards Mr. Sheehy received \$2,500, and Mr. Columbus sued him for one-half of that sum. A copy of Mr. Justice Stafford's opinion gives all that data and his reasons for dismissing the action.

The CHAIRMAN. Will you state the reason why he dismissed the action?

Mr. WILSON. Because contracts to get transfers of licenses or to procure liquor licenses on a contingent fee are contrary to public policy and public morals.

The CHAIRMAN. Did he hold that a contract for a fee immediately paid was contrary to public policy?

Mr. WILSON. I think he did not touch that question.

The CHAIRMAN. His holding was that a contingent fee given for the purpose of securing either a license or a transfer was contrary to public policy?

Mr. WILSON. Yes, Mr. Chairman; that is the holding. Perhaps, if I may be permitted, I might get a copy of the opinion and insert it here.

Senator THOMPSON. You say that fee was \$5,500?

Mr. WILSON. \$5,000 was the fee. There was \$500 retainer and \$5,000 contingent upon getting the transfer.

Senator THOMPSON. Mr. Columbus sued Mr. Sheehy?

Mr. WILSON. Yes.

Senator THOMPSON. For \$2,500, one-half of the contingent fee?

Mr. WILSON. Yes. Well, he sued him for one-half of \$2,500, which Sheehy had collected; \$2,500 had not been collected.

Senator THOMPSON. Was there a written contract for \$5,500?

Mr. WILSON. Yes, Senator; a written contract. The opinion of Justice Stafford is as follows:

SUPREME COURT OF THE DISTRICT OF COLUMBIA—WILLIAM F. COLUMBUS, PLAINTIFF,
V. JOSEPH C. SHEEHY, DEFENDANT.

ATTORNEY AND CLIENT; CONTINGENT FEES; PUBLIC POLICY.

1. A party having a claim against an individual or against the Government may lawfully agree with attorneys for a contingent fee to be paid the latter for services in prosecuting such claim.

2. Where, however, the services to be rendered by the attorneys are to consist in securing the transfer of a liquor license from one location to some other, and the agree-

ment is for a contingent fee to be paid upon success in securing such transfer, the contract is against public policy and is therefore void.

3. Where in an action by one of the attorneys so employed against the other to recover one-half of payments made by the client to defendant on account of such fee, held that the invalidity of the contract sued upon appearing from the affidavit of plaintiff no recovery could be had thereunder and judgment entered for defendant.

At law, No. 57265. Decided November 6, 1914.

Hearing on a motion for judgment under the seventy-third rule. Judgment for defendant.

Mr. E. A. Bailey for the plaintiff.

Mr. F. J. Hogan and Mr. D. W. Baker for the defendant.

Mr. Justice Stafford delivered the opinion of the court:

The cause was heard upon the plaintiff's motion under the seventy-third rule for judgment in his favor for the amount claimed in his declaration upon the ground that the affidavit of defense, if true, is insufficient to defeat the plaintiff's claim in whole or in part.

An examination of the declaration and fortifying affidavit shows that the plaintiff is attempting to enforce a contract that is clearly void as against public policy. Both the plaintiff and the defendant are practicing members of this bar. Prior to May 4, 1914, one McCarthy, a proprietor of a barroom license in the District of Columbia, requested the plaintiff to secure the transfer of said license to another location, the place to which said license then applied being in a restricted district, under the terms of the excise law. Thereupon the plaintiff invited the defendant to join with him in the tendered employment. The defendant accepted the invitation, and the plaintiff, the defendant, and McCarthy all subscribed a contract in the following words:

"Fee agreement, made this 4th day of May, 1914, between Dennis J. McCarthy, party of the first part, and William F. Columbus and Joseph C. Sheehy, parties of the second part, is as follows:

"1. The party of the first part hereby employs the parties of the second part to represent him before the excise board of the District of Columbia in the matter of his application for a transfer of his license from No. 332 Fourteenth Street SW. to the ground floor of the Evans Building, or elsewhere.

"2. The party of the first part shall pay the parties of the second part a retainer of \$500 and an additional fee of \$5,000 should his license be transferred to the ground floor of the Evans building or elsewhere.

"3. The parties of the second part accept the employment aforesaid and will endeavor to secure the transfer of the license of the party of the first part."

Thereupon McCarty paid the \$500 retaining fee called for by the contract and the same was divided equally between the plaintiff and defendant. After the public hearing on the application for the transfer before the excise board, the plaintiff and defendant both participating therein, the board granted the transfer. Thereafter defendant collected \$2,500 of the \$5,000 contingent fee from McCarthy and refuses to divide the same with the plaintiff. The plaintiff finding himself unable to collect of McCarthy, now seeks to recover in this action one-half of the \$2,500 collected by the defendant, upon the theory that they were equal partners in the business, and that anything collected by either must be equally divided between the two. It will not be necessary to consider the sufficiency of the defendant's affidavit, but it may be fair to state that his position seems to be that he was to have his fee of \$2,500 whether the plaintiff received anything or not.

The question to be decided by the excise board was one to be determined in the public interest. McCarthy had no legal right to have his license transferred. (See the excise law, 37 Stat., 997.) McCarthy was not in the position of a claimant seeking to enforce a legal right, and who might therefore employ attorneys upon a contingent fee. His position was more analogous to that of the defendant in *Haselton v. Miller*, reported under the name of *Haselton v. Sheckells* (202 U. S., 71), who had a parcel of real estate which he wished to dispose of to the Government, or like the parties in other cases referred to in that opinion who wished to secure contracts with the Government. In such cases it is well settled that a contract to pay an attorney a contingent fee for securing the contract or the purchase of the plaintiff's property by the Government is void, as against public policy, the reason being that it is of evil tendency in that it naturally tempts the attorney to the use of improper means to accomplish his client's purpose. In the present case, the amount of the contingent fee, \$5,000, is so disproportioned to any legitimate legal services to be rendered as to furnish an additional reason for holding the contract to be one of evil tendency. The invalidity of the contract does not depend upon the questionable character of the services actually rendered or agreed to be rendered, but results from the fact that its natural tendency is to prompt efforts which are against the public interest. In the *Haselton* case, the

court assumed that the services were legitimate, but struck down the contract for the reason above stated, remarking that the court would not inquire what was actually done, inasmuch as the arrangement "necessarily invited and tended to induce improper solicitations and intensified the inducement by the contingency of the reward."

It is undoubtedly legal for parties to stipulate for a contingent fee to be paid for services in prosecuting a plaintiff's claim against an individual or against the Government, but in such cases the claim is a demand of some matter as of right. The present case does not belong to this class. In the class of cases to which this does belong the plaintiff has a right to employ an attorney to represent him and has a right to pay such an attorney for his services, but he has not a right to do so upon a contingent fee for the reason above stated. The brief filed for the plaintiff proceeds upon the theory that wherever the plaintiff has a right to employ a paid attorney he has a right to engage the attorney upon a contingent fee. A manufacturer would have a right to employ and pay an attorney to appear before a committee of Congress and show such reasons as he could why a certain duty should be imposed upon the class of goods manufactured by his client, but certainly he could not employ the attorney upon a contingent fee. In our view the present case falls within this class.

It may be urged by the plaintiff that judgment can not be rendered against him upon his own motion because the proceedings under the seventy-third rule are merely collateral and are to determine whether or not the plaintiff is entitled to summary judgment. In answer thereto it must be said that the contract in question is illegal. The plaintiff by his motion refers not only to his own declaration, but also to his affidavit in support thereof. As soon as the court perceives the illegal nature of the contract it is in duty bound to dismiss the suit. The plaintiff by his own affidavit puts himself out of court—by his own solemn oath in laying the contract before the eyes of the court. It seems unnecessary to cite authorities in support of such a proposition, but in the case of *Oscanyan v. Arms Co.* (103 U. S., 261) an officer of the Turkish Government was employed on a commission by an American corporation to sell its products to the Turkish Government through his influence with its officials. The nature of the contract appeared upon the opening statement of the plaintiff's counsel to the jury, and the court at once directed a verdict for the defendant. Of that action the Supreme Court says:

"So in a civil action, if it should appear from the opening statement that it is brought to obtain compensation for acts which the law denounces as corrupt and immoral or declares to be criminal * * * the court would not hesitate to close the case without delay."

Later on, in the same case, the court says:

"Here the action is upon a contract which, according to the view of the judge who tried the case, was a corrupt one, forbidden by morality and public policy. * * * Assuming for the present that such was a sound view, the objection to a recovery could not be obviated or waived by any system of pleading, or even by the express stipulation of the parties. It was one which the court itself was bound to raise in the interest of the due administration of justice."

In the case of *Coppell v. Hall* (7 Wall., 542) a suit was brought upon a contract whereby the plaintiff, a neutral, had agreed with the defendant, a citizen of one of the belligerents to protect with his neutral name shipments made by the defendant into the other belligerent State, where trade between citizens of the belligerents was forbidden. In reversing a judgment given in favor of the plaintiff after a waiver by the defendant of the point of illegality, the court said:

"Whenever the illegality appears, whether the evidence comes from one side or the other, the disclosure is fatal to the case. No consent of the defendant can neutralize its effect."

In thus rendering judgment in favor of the defendant, on the motion of the plaintiff under the seventy-third rule, we are not departing from the decisions of the court of appeals in regard to cases arising under said rule, for those decisions were not rendered in cases in which the contract sued upon was illegal from its inception: *Lawrence v. Hammond* (4 D. C. Ap., 467, 473-474; 22 Wash. Law. Rep., 749), *Bailey v. D. C.* (4 D. C. Ap., 356, 370; 22 Wash. Law Rep., 735), *Booth v. Arnold* (27 Ap. D. C., 287, 291; 34 Wash. Law Rep., 289), *Thompson v. Custis* (35 D. C. Ap., 247, 250.). In fact, the same court said in *Brown v. D. C.* (29 Ap. D. C., 273, 281; 35 Wash. Law Rep., 163):

"The opening statement * * * admitted a fact that discharged all possible right of recovery in the action. It was in the interest, therefore, of the speedy administration of justice to act upon the admission when deliberately made and avoid the delay that would be caused by the production of the evidence."

It is unnecessary to pursue the subject further. The plaintiff stating that he can not amend, judgment must be rendered for the defendant. "In pari delicto potior est conditio defendentis."

The CHAIRMAN. Mr. Sheehy had been a member of the Excise Board, had he not?

Mr. WILSON. He had been chairman of the Excise Board.

The CHAIRMAN. He resigned from the Excise Board and became an attorney for those desiring licenses from the board?

Mr. WILSON. Yes; and appeared frequently before the board, and has been very active on behalf of the liquor interests since his resignation took effect.

The CHAIRMAN. Give us what further information you may have?

Mr. WILSON. In attempting to say what we thought was a decided tendency to favor the liquor interests, I took the liberty, on October 26, 1914, of writing the Excise Board a letter calling their attention to some of the criticisms that were being circulated concerning them, and I have a copy of that letter here.

The CHAIRMAN. Does that letter state what are purported to be facts or mere reports?

Mr. WILSON. Some of them are facts; and then, at the end, I took the liberty of giving the rules of construction from a number of cases, which ought to have been applicable to the construction of this law.

The CHAIRMAN. Have you a copy of that letter—an extra copy?

Mr. WILSON. I have not an extra copy.

The CHAIRMAN. Does it throw any light on violations of the law?

Mr. WILSON. It calls attention again to violations. It calls attention to the case of Mr. Raftery.

The CHAIRMAN. Go ahead with your statement and bring up whatever cases you have not referred to before, and you can refer to that letter as a basis for any cases that are referred to in it.

Mr. WILSON. I asked them how they could explain why Thomas Raftery was permitted a transfer after the evidence produced before them showed that he had, in fact, paid for the destruction of protests, when the law required them to consider protests. I said:

What comment can we make upon the statement made by a member of the board immediately after that evidence was produced in the Raftery case to the effect, "Now that you have the evidence, what does it amount to? It amounts to nothing"?

The CHAIRMAN. To what member of the board did you have reference?

Mr. WILSON. Henry S. Baker.

The CHAIRMAN. Did you hear him make that statement?

Mr. WILSON. I did not. May I state to whom it was made and my authority for it?

The CHAIRMAN. Yes.

Mr. WILSON. Albert E. Shoemaker, the attorney for the league.

The CHAIRMAN. Very well. Would you prefer to enlarge on that Raftery case now, or is that sufficient reference to it?

Mr. WILSON. I think that is sufficient reference to it. You will get the record in the case, and their own record will show those facts.

I also referred to the Ebbitt House case, where certain contradicted testimony was given which showed a state of affairs shocking to the moral sense, and said that the chairman of the board stated in substance what another member said in the Raftery case, "Now,

that you have the evidence, what does it amount to? We will not consider it," or something to that effect.

The CHAIRMAN. To what testimony do you refer?

Mr. WILSON. I refer to the testimony of——

The CHAIRMAN. Wood?

Mr. WILSON. Yes, of Thomas Wood; I think his name is Thomas Wood.

The CHAIRMAN. Taken in what proceeding?

Mr. WILSON. Taken in the hearing in regard to the Ebbitt House case, as to whether or not a license should be granted in that case.

The CHAIRMAN. At what time?

Mr. WILSON. Before the issuance of the licenses this year. It probably was in October.

The CHAIRMAN. 1914?

Mr. WILSON. 1914.

The CHAIRMAN. You were protesting on behalf of the Anti-Saloon League against the renewal of a license for the Ebbitt House?

Mr. WILSON. That was the attitude of the Anti-Saloon League, and we were protesting on that ground. Hearing was had. Mr. Wood had been employed at the Ebbitt House. I have seen him there often myself, and he testified concerning the furnishing of liquors to girls, and certain things which he had seen there.

The CHAIRMAN. Where can we find that testimony?

Mr. WILSON. The records of the Excise Board in the Ebbitt House case will show it if the testimony was written up. It was taken in shorthand, as I understand, at the time.

The CHAIRMAN. Very well.

Mr. WILSON. Nothing further need be said about that, but when the chairman of the board said in substance that no consideration would be given to this testimony, Mr. Baker said "Amen! Amen!"

The CHAIRMAN. Did you hear that or was that said before Mr. Shoemaker?

Mr. WILSON. No, sir; Mr. Shoemaker.

The CHAIRMAN. Well, we will get Mr. Shoemaker on the stand a little later.

Mr. WILSON. But this is what I put in the letter to them.

The CHAIRMAN. Mr. Shoemaker, in his capacity as attorney for the Anti-Saloon League, of which you are president, had told you about these remarks of a member of the Excise Board?

Mr. WILSON. He did, and I wrote them concerning it. This letter I understand is going in evidence.

The CHAIRMAN. Have your their reply?

Mr. WILSON. There was no reply to this letter.

The CHAIRMAN. You say there was no reply?

Mr. WILSON. There was no reply to this letter.

The CHAIRMAN. What are the points in that letter, Mr. Wilson, that you consider of special importance? You may indicate them briefly.

Mr. WILSON. I called their attention, after referring to the case at the Evans Building, to the fact that there were many other stories of large fees, in some instances much larger than in the Evans Building case, and in which the insinuations were quite as unpleasant. Then I asked them "Upon what theory can we explain the open bar at

407 Q Street NW., where no license was in existence from March 15, 1914, to June 27, 1914?"

Then I asked them, "How can we explain the apparent attitude that the shortest course of travel is not the most direct route across a public right of way?"

Then I called their attention also to the fact that "In one instance it is reliably reported the board took the attitude that Congress had inadvertently omitted to state that clubs could be licensed in residential districts, and that the board would supply the omission."

The CHAIRMAN. I understand they do take that position?

Mr. WILSON. Yes; they practically have it in that letter; but they made the public statement as well as in writing.

Senator THOMPSON. There are a number of clubs in residential districts, are there not?

Mr. WILSON. Yes; quite a number of them.

Then I called their attention to an expression of Senator Jones; not by name, but I said, "You had before you an expression of the view of a man whose name the law bears as to the intention of Congress on the question of fire limits in the western section of the city. The ruling was in favor of the liquor interests. There is no law to compel you to grant any license in that disputed zone."

The CHAIRMAN. Now, state briefly what the western zone case is.

Mr. WILSON. There are a number of saloons on M Street in Georgetown. There are two particularly bad ones, from our viewpoint, west from Thirty-fifth Street. The putting in of this amendment was for the purpose, primarily, of cutting out those saloons, and one at Tennallytown. At the time the law was passed Thirty-fifth Street was the western limit on M Street. Shortly after the passage of the law an application was made by certain interested parties to get the fire limits extended to Thirty-seventh Street, and then the Commissioners of the District of Columbia extended the fire limits to Thirty-seventh Street, and the board held that it was proper for them to license these two places.

The CHAIRMAN. Did you protest against these licenses?

Mr. WILSON. We did.

The CHAIRMAN. And you recited the fact that at the time this law was enacted, Thirty-fifth Street was the western fire limit?

Mr. WILSON. Yes, we did.

The CHAIRMAN. And the law provided that no saloons should be licensed west of that limit?

Mr. WILSON. West of the fire limit?

The CHAIRMAN. Yes.

Mr. WILSON. They held that the act did not go into effect until July 1, and that the fire limit was Thirty-seventh Street, July 1, and that the law contemplated the fire limit at Thirty-seventh Street, and granted the licenses.

The CHAIRMAN. Evidently contrary to the intention of the Jones-Works excise law.

Mr. WILSON. Before that action was taken they had a letter from Senator Jones which had been written to Mr. Shoemaker, and which I saw and know was transmitted to them, as to his views of the matter.

I further called their attention to this fact, "The authors of the law are grievously disappointed because the inspector provided by

law has not inspected saloons in the sense in which saloons should be inspected. For this the inspector is not responsible."

Then I quoted the rules of construction, briefly in the letter.

The letter above referred to is, in full, as follows:

OCTOBER 26, 1914.

The honorable the EXCISE BOARD,
Washington, D. C.

GENTLEMEN: One of the grave questions confronting us in relation to excise matters in this District is how to justify what has been done when called upon so to do by legally constituted authority or by the citizens of the District of Columbia responsible for the Jones-Works law. In some instances it is respectfully submitted that some of us, though in close touch with the situation and presumed to know, are unable to commend what has been done.

Let me illustrate:

How can we explain why Thomas Raftery was permitted to transfer after the evidence produced before you showed that he had in fact paid for the destruction of protests when the law requires you to consider protests? What comment can we make upon the statement made by a member of the board immediately after that evidence was produced in the Raftery case to the effect "now that you have the evidence, what does it amount to? It amounts to nothing."

After the hearing in the Ebbitt House case, where certain uncontradicted testimony showed a state of affairs shocking to the moral sense, it is said the chairman of your board stated in substance what another member said in the Raftery case and further indicated that such testimony would be given no consideration to which statement by the chairman Mr. Baker said, "Amen! Amen!" Are these expressions given at the very time by a majority of the board to be taken as the moral standard of such officials? What other conclusion is possible? If such is the moral standard, what have the various cooperating forces responsible for the enactment of this law to hope for in its administration?

The Evans building case will not down. A prominent citizen who might in some contingencies have occasion to deal officially upon certain phases of it in referring to the attorney's fee in that case said "The human mind can reach but one conclusion." A prominent lawyer not identified in any way with the Anti-Saloon League spoke to me of excise conditions and referred to them as being a public scandal. He did not specify the particulars and was not asked for them. In this same case an eminent jurist said "It was a great mistake to permit that place to have a license." Another eminent jurist here said to me "It is the utmost folly for the United States to permit saloons to exist." Numerous nonofficial citizens have expressed their views in strong terms in this case. There is not the least doubt the board could have avoided all this comment by refusing the transfer. The applicant's attitude may be easily surmised. He certainly would not have agreed to pay what he did unless he thought he would get his money's worth. An attorney for the liquor interests recently stated in my office that the attorneys in that case had often done more work for \$10 than they did in that case. Then why such fees? Before the transfer was granted I wrote to you and asked that you investigate. You replied, but you did not investigate and you did grant the transfer.

There are many other stories of large fees, in some instances much larger than the Evans Building case, and the insinuations are quite as unpleasant.

Upon what theory can we explain the open bar at 407 C Street, northwest, where no license was in existence from March 15, 1914, to June 27, 1914?

Now, how can we explain the apparent attitude that the shortest course of travel is not the most direct route across a public right of way? In the opinion of many a contrary holding would not only be unjustifiable in law, but must subject the board to criticism which could be avoided by the board. A contrary holding in my opinion would be a violation of the act which you have sworn to support.

In one instance, it is reliably reported the board took the attitude that Congress had inadvertently omitted to state that clubs could be licensed in residential districts and that the board would supply the omission.

You had before you an expression of the view of a man whose name the law bears as to the intention of Congress on the question of fire limits in the western section of the city. The ruling was in favor of the liquor interest. There is no law to compel you to grant any license in that disputed zone.

The authors of the law are grievously disappointed because the inspector provided by law has not inspected saloons in the sense in which saloons should be inspected. For this the inspector is not responsible.

We have to deal with a traffic whose attributes are so well known that characterization is useless. Certain evidences have been presented to you. It has been powerful enough to secure the removal of police officers who were not desired, and has persistently violated the law.

Upon one occasion in a statement before the board I took the liberty of quoting from certain eminent authorities named by me only to be told a few hours afterward that a member of the board stated that I certainly did not believe what I had said in that statement. Notwithstanding that experience, I am now going to ask your indulgence while I quote from legal authorities on the rules of construction. I do this because of the importance of the matters before you and because when excise affairs in this District are sifted to the bottom by competent authority, as now seems probable it may not be said that the rules of statutory construction were not presented to you.

In Heydon's case, 3 Rep., It is stated that it was resolved by the barons of the exchequer as follows:

"For the sure and true interpretation of all statutes in general, be they penal or beneficial, restrictive or enlarging of the common law, four things are to be discerned and considered:

"First. What was the common law before the making of the act.

"Second. What was the mischief and defect for which the common law did not provide.

"Third. What remedy the Parliament hath resolved and appointed to cure the disease of the commonwealth.

"Fourth. The true reason of the remedy * * *"

"In construing a statute, the courts may recur to the history of the times when it was passed, in order to ascertain the reason for its passage, as well as the meaning of its provisions." (U. S. v. Union Pacific R. Co., 91 U. S., 72.)

In *Platt v. Union Pacific Railroad* (99 U. S., 48, 64) it was said: "But in endeavoring to ascertain what the Congress of 1862 intended, we must, as far as possible, place ourselves in the light that Congress enjoyed, look at things as they appeared to it, and discover its purpose from the language used in connection with the attending circumstances."

In *Siemens v. Sellers* (123 U. S., 276, 285) the court said: "No doubt, the words of the law are generally to have a controlling effect upon its construction; but the interpretation of those words is often to be sought from the surrounding circumstances and preceding history."

In the case of the *Church of the Holy Trinity v. United States* (143 U. S., 457-463) Mr. Justice Brewer in delivering the opinion said: "Again, another guide to the meaning of a statute is found in the evil which it is designed to remedy; and for this the court properly looks at contemporaneous events, the situation as it existed, and as it was pressed upon the attention of the legislative body. * * * It appears also from the petitions, and in the testimony presented before the committees of Congress.

Sincerely, yours,

ANDREW WILSON.

The CHAIRMAN. Very well. What other cases have come within your knowledge? Will you discuss the alley cases? Do you know anything about them, about the saloons that are located within 300 feet of disreputable alleys?

Mr. WILSON. There are quite a number of them; I do not know how many and I have not discussed that with the board, except with one member of the board, and that was Mr. Bride. I discussed that at the time of the Frank Hall case, and also on one or two other occasions when I met him on the street.

The CHAIRMAN. Do you know anything personally about conditions in Jackson Alley?

Mr. WILSON. I do not.

The CHAIRMAN. Or in Wylie's Court NE.?

Mr. WILSON. No, sir.

The CHAIRMAN. Or in Snow's Court?

Mr. WILSON. I have no personal knowledge.

The CHAIRMAN. Do you know of your own personal knowledge as to whether or not there has been an evasion of the law as to wholesale liquor houses?

Mr. WILSON. I know that wholesale liquor houses have been licensed in resident districts which, according to my information, are in violation of the law. One of them has been licensed next door, or practically next door, to a house that I own in a residence section. The place is on Fourth Street, just where New Jersey Avenue cuts into it, northwest. On October 21, 1914, I wrote this letter in regard to this place:

OCTOBER 21, 1914.

The honorable the EXCISE BOARD,
District Building, Washington, D. C.

GENTLEMEN: There is a wholesale place kept by L. J. Cohen at 1400 Fourth Street NW. It so happens that Fourth Street is merged into New Jersey Avenue at this point. The house and lot next to the building in which this wholesale place is kept is numbered 1410 New Jersey Avenue NW. I happen to be the owner of the last-mentioned property and protest against the issuance of a wholesale license to said Cohen or any other person at said place. I am informed by persons who live in the community that much liquor is sold to women at this place and that it is altogether an undesirable resort for rough people.

Very truly, yours,

ANDREW WILSON.

That place is still open.

Senator THOMPSON. What reply did they make to that?

Mr. WILSON. None.

Senator THOMPSON. What is the date?

Mr. WILSON. October 21, 1914.

The CHAIRMAN. What do you know about evasions of the law with reference to saloons on one side of a business block?

Mr. WILSON. I know of one instance which, in my opinion, is an evasion of the law, and that is on the north side of E Street, between Thirteenth and Fourteenth Streets NW., where I believe there were five barrooms prior to the 1st of November of last year.

The CHAIRMAN. Can you state the names of those five?

Mr. WILSON. I can name some of them. There was Shoomaker's, Gerstenberg's, Busch, Miller, and Engel.

The CHAIRMAN. What happened with reference to those five saloons when this law went into effect? Do I understand you to say the five saloons were there on one side of that block after this law had gone into effect?

Mr. WILSON. Prior to November 1, 1914. The holding of the excise board was that the law did not force these places out until after November 1, 1914.

The CHAIRMAN. On November 1, 1914, what happened to these five saloons?

Mr. WILSON. Busch went out of business. Miller Bros. failed to get a license. My recollection is that there were 297 licenses issued. Miller Bros. applied for one of the licenses, changed the opening of that place from Pennsylvania Avenue, or E Street and Pennsylvania Avenue, fronting practically on both at that point, to Fourteenth Street, just around the corner, and the entrance is there now and the license was granted by the excise board. In my opinion that is a clear evasion of the law, and in my opinion, to-day Miller Bros. are violating the law in selling without a license that is valid.

The CHAIRMAN. The entrance is now just around the corner on Fourteenth Street?

Mr. WILSON. Yes.

Senator THOMPSON. The drinking is just where it was before?

Mr. WILSON. Yes.

The CHAIRMAN. The body of the saloon is just exactly where it was before?

Mr. WILSON. Yes; without any rearrangement so far as I know, except as to the entrance.

Senator THOMPSON. Is the barroom in the same place, and are the bottles in the same places?

Mr. WILSON. I really could not say as to the bar. I have not been inside the place.

The CHAIRMAN. We will be glad to hear anything else you have.

Mr. WILSON. I had another conversation with another member of the excise board in regard to lewd pictures in the barrooms.

The CHAIRMAN. Yes.

Mr. WILSON. A rule of the board prohibits lewd pictures in barrooms. Mr. Cotter T. Bride told me that upon their tour of inspection of the excise board they went into the St. James Hotel, and there was a figure of a nude woman, a picture on the side of the wall, and that he told the proprietor there that that was no place for that picture, and it must be draped. He told me that he had gone back afterwards, and that it had been draped, but that it had been draped in such a way that it was more suggestive than it was before—so draped that certain parts of the figure were exposed that made it even more suggestive. On my way up here to-day, at 3.45 o'clock, Mr. Shoemaker and I entered that barroom for the purpose of looking at that picture to see whether it was there or not, and we found the picture there, and it is draped. It is on the east wall of the barroom, and at the center of the picture there is a space approximately five or six inches wide which is not draped, and over which there was no cloth hanging. There is a door just to the north of where this picture stands out into what was probably at one time a stairway, and upon that is a picture of a nude woman, or of a mermaid. The lower limbs appear to become a part of a fish before the lower part of the limbs is reached.

The CHAIRMAN. Those pictures are suggestive and obscene?

Mr. WILSON. They are.

The CHAIRMAN. They are there to-day?

Mr. WILSON. They were there to-day at a quarter of 4 o'clock.

The CHAIRMAN. Very well. Have you anything else that you think would be of interest or assistance?

Senator THOMPSON. What do you know of the evasion of the law relative to saloons being nearer schoolhouses or places of public worship than the excise law provides?

Mr. WILSON. I think there are many violations of the law, because they have used wrong measurements, wrong methods of measurements; and where wrong measurements have not been used in some instances I think that there is a plain violation. I think there is a violation in the Eastern High School case. I think there is a violation—I am absolutely certain of it—in the case of Mr. Shriner's place and the New York Avenue Presbyterian Church. Costello's place down at Sixth and G Streets is immediately across the street from a Jewish synagogue. To be sure there is a bicycle place under it, but I think that is a violation of the law. I think, likewise, the Central Union Mission is a house of religious worship, and there are one or two saloons within 400 feet of that. I am informed that it was held by the board—I can not say certainly

that they so held—that that is not a house of religious worship in the sense in which they construe the excise law.

Senator THOMPSON. They claim that it must be a church edifice and used exclusively for that purpose?

Mr. WILSON. Yes; I understand that is their construction of the law.

Senator THOMPSON. And the same way with schools?

Mr. WILSON. Yes; I think so. There is a case at First and F Streets SW., in which there is a building that is used for public worship that is within about 100 feet of a saloon. I do not recall the name now. Mr. Shoemaker will probably know about that. There is a case where a man purchased property and expended large sums of money before he could have legitimately known that he was going to get a transfer of a license. There are numerous cases of that kind, which, if investigated, will be disclosed.

The CHAIRMAN. What do you know about the Anacostia case?

Mr. WILSON. I know that the licenses were handed out on the morning of October 31, 1914. I happened to be there at the time when they were handed out, or when the announcements were made, rather. The court record of November 4th showed that there had been certain trusts given on certain property in Anacostia. The people in Anacostia cooperating with the Anti-Saloon League had protested vigorously against any saloons being located in that vicinity. Upon an examination of the record, liber 3746, folio 241, of the land records of the District of Columbia, I found a deed of trust from Thomas J. and Annie L. Leonard to Frank E. Elder and Stanley D. Willis, dated October 31, 1914, recorded November 3, 1914, in the liber and folio which I have mentioned, to secure Julius McKissman \$7,218.85, 20 notes monthly of \$350 each, falling due in from 1 to 20 months, and then a note for \$218.85 due in 21 months after the date. This was secured on lot 12 and part of lot 11 in square 5769. I think it was formerly No. 45 Harrison Street, and it is now known as No. 1245 Good Hope Road, by the number. On the same day the same parties to the same trustees gave a chattel trust on the liquor business at said place, and that chattel trust is recorded in liber 3746, folio 244, et seq. I do not know anything about what was done with this money. I simply call attention to it, that it attracted my attention.

The CHAIRMAN. Is it not a fact that that saloon in Anacostia is located in a nonbusiness block?

Mr. WILSON. I can not say, Mr. Chairman, just what the percentage of business is there, nor have I examined recently, and I do not now hold in mind just what the situation is in regard to that.

The CHAIRMAN. Is it not a fact that there was an overwhelming protest by the citizens of Anacostia against that location of a saloon there?

Mr. WILSON. There was. There were many hundreds of people that appeared before the excise board against the granting of that license, and they had the protest of a very large number, as their records will show.

The CHAIRMAN. I think that covers about all of it?

Mr. WILSON. Yes.

The CHAIRMAN. Very well. You may stand aside for the present.

(At 6 o'clock p. m. the committee adjourned until to-morrow, Wednesday, February 24, 1915, at 10 o'clock a. m.)

**INVESTIGATION OF THE CONDUCT OF THE EXCISE
BOARD OF THE DISTRICT OF COLUMBIA**

HEARINGS

BEFORE THE

**SPECIAL COMMITTEE OF THE
UNITED STATES SENATE**

SIXTY-THIRD CONGRESS

THIRD SESSION

PURSUANT TO

S. RES. 522

**A RESOLUTION AUTHORIZING THE SPECIAL COMMITTEE OF
THE SENATE TO INVESTIGATE FULLY INTO THE MAN-
NER IN WHICH THE EXCISE LAW, SO CALLED,
IS BEING ADMINISTERED IN THE
DISTRICT OF COLUMBIA**

PART 2

Printed for the use of the Special Committee

**WASHINGTON
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SPECIAL COMMITTEE.

MORRIS SHEPPARD, Texas, *Chairman*.

WILLIAM HUGHES, New Jersey.

WESLEY L. JONES, Washington.

WILLIAM H. THOMPSON, Kansas.

WILLIAM P. DILLINGHAM, Vermont.

II

**D. OF D.
OCT 21 1915**

a. s. s. Nov. 14/16

INVESTIGATION OF THE CONDUCT OF THE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

WEDNESDAY, FEBRUARY 24, 1915.

SPECIAL COMMITTEE,
UNITED STATES SENATE,
Washington, D. C.

The special committee met, pursuant to adjournment, at 10 o'clock a. m., in the room of the Committee on Indian Affairs of the Senate, in the Capitol.

Present: Senators Sheppard (chairman), Thompson, and Jones.

TESTIMONY OF ANDREW WILSON—Continued.

The CHAIRMAN. Mr. Wilson, do you know of any instances where two saloons are being run under one license?

Mr. WILSON. I so consider the place at 1942-1944 Fourteenth Street NW. As I understand, the license application was made by O'Hanlon & O'Connor for 1944 Fourteenth Street NW. They at one time had two entrances, 1942 and 1944. One of them has been closed up. Mr. Cotter T. Bride had told them that they must close one entrance; so to-day there is an entrance at the south side of 1942 Fourteenth Street. Opening the door and entering, the first part of the room at 1942 is cut off by swinging screen doors opening into 1942; that is, farther in, in 1942. A part of the wall between 1942 and 1944 has been removed, and in the space, or a part of that space, are two swinging screen doors. There is a bar extending along the north side of 1942, making a sort of a horseshoe around through this opening and extending down on the south side of 1944 Fourteenth Street. At a quarter to 9 o'clock this morning there were bartenders on both sides, in both places. I transferred there on the street cars and I made it my business to go in. I went in and looked over it just a moment and went out again.

Senator THOMPSON. What are the names of the parties who run that place?

Mr. WILSON. O'Hanlon and O'Connor are the men who run it. It is Patrick O'Hanlon, and I have forgotten Mr. O'Connor's initials.

Senator THOMPSON. Do they conduct that business under one license?

Mr. WILSON. There is but one license there, as we understand.

I think that Geyer's, at 1523-25-27 Fourteenth Street—perhaps only two of those numbers, but along about there—on the east side of Fourteenth Street, also is conducted at two places. Our interpretation of the law is that they are only entitled to a license at one place, if entitled at all. I think, too, that probably Mr. Xander's

place on Seventh Street has a wholesale bar and a retail bar. Mr. Shoemaker knows more about that than I do. They are right adjoining each other. He probably has two licenses, however.

I wish to state, if I may, in relation to yesterday's statement, that I deem section 7 of the rule, or rule 7, to be entirely without warrant of law. There is an attempted segregation here of wholesale licenses into classes, where the law makes but one kind of wholesale licenses. It says:

Beginning November 1, 1914, wholesale licenses (to sell intoxicating liquors in quantities of 5 gallons and over) shall not be granted on any side of a street where less than 50 per cent of the foot frontage between intersecting streets, etc.

I think the part included in parenthesis there is wholly uncalled for, and makes a division of wholesale licenses entirely beyond the power of the board to make.

Senator JONES. Do you know of any basis for that 5-gallon limitation they put in there?

Mr. WILSON. No, sir; there is none.

Senator JONES. Did you ever hear them give any reason for that?

Mr. WILSON. I did not. The only imaginable excuse I can see is that they desired some means of giving wholesale licenses in residence districts, and hit upon this method to do it. It would have been very much better, from our viewpoint, if the right of sale in 5-gallon quantities had been given in residence districts and the other had been given in business districts.

I think also that section 15 of the rules making a distinction as to the sealed original package is erroneous.

Senator JONES. Here is their definition:

A "sealed original" package comprehends a package not filled at the time of sale, but one carried in stock, whether filled on the premises of the licensee or elsewhere.

Mr. WILSON. My opinion about it is that a sealed original package would be a package that was sealed when it came into the possession of the dealer, the licensee, and that it is not one which is sealed by him.

Senator JONES. About the sealed packages, have you any information about how that trade is carried on at any of these so-called wholesale places?

Mr. WILSON. Not at this time, Senator. There was a time when, as a matter of general repute, it was carried on in jars such as our housewives use in sealing up fruit; Mason jars.

Senator JONES. You say it was carried on in that way?

Mr. WILSON. Yes. They would take the jars and fill them with beer and screw the tops down; and they considered that to be a sealed package.

Senator JONES. In other words, a person would take the jar in there with them, and it would be filled there, and the top screwed on, and that was called a sealed package, and they were allowed to take it away?

Mr. WILSON. Yes, sir.

Senator THOMPSON. That is in wholesale places?

Senator JONES. That is in wholesale places, as I understand it.

Mr. WILSON. I believe they did that in the wholesale places, too; and I think that that was the way they attempted to get around it, in selling in that way; but I think that really took the place of the

growler trade in the retail place when they abolished the growler, so called.

Senator JONES. You have no personal knowledge of it?

Mr. WILSON. I have no personal knowledge, however.

The CHAIRMAN. Do you know as to whether paragraph 16 requiring "that no license, either wholesale or barroom, shall be issued to any person or for any place located within 1,000 feet of the grounds of a marine barracks, the War College, and Engineer Barracks, or of the navy yard, in the District of Columbia," has been violated?

Mr. WILSON. I do not.

The CHAIRMAN. Do you know one John J. Madden?

Mr. WILSON. I do not except by reputation.

The CHAIRMAN. Do you know Thad. B. Sargent?

Mr. WILSON. I do.

The CHAIRMAN. Who is he?

Mr. WILSON. Well, Thad. B. Sargent is, or has been for a number of years, a real estate operator in Washington.

The CHAIRMAN. Have you had any conversation with Mr. Thad. B. Sargent regarding this license matter?

Mr. WILSON. I have, on two or three occasions. He came to my office in the Evans Building and expressed his appreciation of the efficient work that the Anti-Saloon League had done in keeping Mr. Madden, who was his client, from getting a transfer of license to Fourteenth Street, and then to a place near the Eckington Presbyterian Church, and then to a place on B Street near the Center Market, and later he called at my office in the Woodward Building. I might say that I left the Evans Building on August 19, 1914, the day that the bar was opened in the Evans Building. Mr. Sargent came to my office in the Woodward Building and talked about another matter for a moment, and then he began talking about the excise board. He stated that at first he believed that the excise board was a straightforward and honest board, but he said that he had been compelled to change his mind, and I said to him, "Mr. Sargent, what is the matter now?" "Well," he said, "you know I represented Madden, and that you beat us out in three places." I said, "Yes." He said, "Well, I met him a day or two ago, and I said to him 'You got your license transferred out on Four-and-a-half Street.' He said, 'Yes.'"

The CHAIRMAN. Mr. Wilson, you mean that he said he represented Madden in three attempts to get a license to run a saloon?

Mr. WILSON. Yes.

The CHAIRMAN. In each one of those attempts that he made for Madden the Anti-Saloon League was successful in resisting him?

Mr. WILSON. In defeating him, yes.

The CHAIRMAN. For transfer of license?

Mr. WILSON. Transfer of license.

The CHAIRMAN. Go ahead.

Mr. WILSON. Then he said to Mr. Madden, "Why did you not let me represent you this time when you got your transfer?" He said, "I have done all this work for you for nothing, now, and then you get your transfer and I am left out." Mr. Madden, so Mr. Sargent told me, replied "Oh, you don't know how. You don't understand. It takes money to do this thing, and you don't know how to do it."

Then Mr. Sargent said he said to Mr. Madden, "You don't mean to say that you had to buy the excise board?" And Mr. Madden's reply was, as Mr. Sargent related it to me, "Sure; what else could I mean?"

The CHAIRMAN. Mr. Madden finally succeeded in securing a transfer?

Mr. WILSON. He did, and he was represented by Mr. Joseph C. Sheehy when he got his transfer.

Senator JONES. A former member of the board?

Mr. WILSON. Former chairman of the board; a man, I regret to say, who might not have gotten there if other steps had been taken which might have been taken in 1913.

The CHAIRMAN. Is there anything else, Mr. Wilson?

Mr. WILSON. I think of nothing further unless your honorable committee desire to ask some further questions.

The CHAIRMAN. Do you know why Mr. Sheehy resigned?

Mr. WILSON. Only this. Mr. Sheehy said to me that he resigned because he had to make a living for himself and provide for his babies for the future; that there was not money enough on the excise board for him.

The CHAIRMAN. Do you know the salaries of the board?

Mr. WILSON. I do; \$2,400 a year each.

The CHAIRMAN. The chairman gets no more than the other two members?

Mr. WILSON. No more.

The CHAIRMAN. That will do for the present, Mr. Wilson.

TESTIMONY OF ALBERT E. SHOEMAKER.

(The witness was sworn by the chairman.)

The CHAIRMAN. State your full name.

Mr. SHOEMAKER. Albert E. Shoemaker.

The CHAIRMAN. And your profession?

Mr. SHOEMAKER. Lawyer.

The CHAIRMAN. What is your position, if any, in connection with the Anti-Saloon League?

Mr. SHOEMAKER. I am attorney for the Anti-Saloon League of the District of Columbia.

The CHAIRMAN. What is your business address and your home address?

Mr. SHOEMAKER. My business address is the Woodward Building, Fifteenth and H Streets, and my home address is Friendship Heights, Md.

The CHAIRMAN. How long have you been a resident of the District of Columbia?

Mr. SHOEMAKER. I am not an actual resident now, Senator. I am living just over the District line in Montgomery County, Md.

The CHAIRMAN. For all practical purposes, however—

Mr. SHOEMAKER. My whole life has been spent in the District of Columbia, practically.

The CHAIRMAN. Your whole life has been spent in the District of Columbia?

Mr. SHOEMAKER. Yes; my schooling and education has been here, and I have been in business here. I lived here a part of the time.

The CHAIRMAN. How long have you been in the law practice here?
Mr. SHOEMAKER. Since 1892.

The CHAIRMAN. As attorney for the Anti-Saloon League, what occasion have you had to know of the workings of the excise board?

Mr. SHOEMAKER. I have been attorney for the Anti-Saloon League for a little more than 20 years, and as such attorney I have been in constant touch with the work of the excise boards from that time until this time. I have represented the Anti-Saloon League and protestants at practically all hearings on applications for licenses, either transfers and renewals of licenses.

The CHAIRMAN. Have hearings been held on practically all transfers and licenses that have been granted?

Mr. SHOEMAKER. Hearings were granted on practically all applications for transfers of licenses under this new law, and hearings were granted on nearly all applications for renewals of licenses as well.

The CHAIRMAN. Was extensive testimony taken in these hearings as a rule?

Mr. SHOEMAKER. Yes; as a rule, in connection with the transfer of licenses, of which there were a great many. During the fall of 1913, directly after the law going into effect, there were a great many transfers from that time up to October, 1914.

The CHAIRMAN. At these hearings, in the matter of transfers and applications for original license, were the applicants generally represented by attorneys?

Mr. SHOEMAKER. Generally; yes, sir. In a few cases they were not represented by attorneys.

The CHAIRMAN. What attorneys are most prominent in the business of representing applicants for license and transfers?

Mr. SHOEMAKER. Mr. Alexander H. Bell, Mr. Michael J. Keane, Mr. R. L. Montague, and Mr. Joseph C. Sheehy.

The CHAIRMAN. Mr. Sheehy is the man who was chairman of the present board when it was first organized under the new law?

Mr. SHOEMAKER. Yes; he was the first chairman of the new board and he served until, I think, in April.

The CHAIRMAN. Had he been in this business of representing applicants for licenses and transfers before he was chairman of the board?

Mr. SHOEMAKER. He had not been. I had never met him or seen him prior to his becoming a member of the board itself.

The CHAIRMAN. And you had been constantly at hearings before old boards?

Mr. SHOEMAKER. Constantly appearing; yes.

The CHAIRMAN. For many years?

Mr. SHOEMAKER. Yes. So far as I know, he had never appeared in a case before.

The CHAIRMAN. How long did he serve as chairman of the board?

Mr. SHOEMAKER. He served from September 4, when he took the oath of office.

Senator THOMPSON. Of what year?

Mr. SHOEMAKER. 1913. He served until some time in April, 1914.

The CHAIRMAN. He then resigned and became—

Mr. SHOEMAKER. He resigned, and soon afterwards became a practitioner before the excise board. His first case I recall was the Madden case, referred to by Mr. Wilson.

The CHAIRMAN. In connection with one case he was sued for a division of fees, was he not?

Mr. SHOEMAKER. Yes; he was sued in connection with fees paid by John J. McCarthy, who applied for a transfer of license to the Evans Building, 1424 New York Avenue. I may say that Mr. Sheehy had his office in that building, as I had mine.

The CHAIRMAN. He had his office in the Evans Building?

Mr. SHOEMAKER. Yes; he had his office in the Evans Building. I had mine, and Mr. Wilson had his, in the same building. Mr. Sheehy appeared always to be opposed to a grant of a license for a barroom in that building. He talked to me about it some time prior, when there were rumors of applications. On one occasion, just shortly before his resignation, we met in leaving the building for the District Building, and he remarked to me about these rumors of applications for license in the Evans Building, and he said, "Shoemaker, if they do make application in this building, I should like to exchange places with you." I told him that I would be very glad to exchange places with him.

The CHAIRMAN. He meaning, evidently, that he wished to be an attorney to resist it?

Mr. SHOEMAKER. Yes; he was so much opposed to it that he would like to have me preside in his place, and he appear in opposition to it, as I understood him.

The CHAIRMAN. The evidence in that case showed the amount of the fee that he was to get, did it not?

Mr. SHOEMAKER. The suit came on some time after the license was granted, over a dispute between two attorneys.

The CHAIRMAN. Who were they?

Mr. SHOEMAKER. They were Mr. Columbus—I have forgotten his initials.

The CHAIRMAN. W. F.?

Mr. SHOEMAKER. W. F. Columbus. Mr. Columbus had represented Mr. McCarthy, who had a license on Fourteenth Street SW. near the Bureau of Printing and Engraving.

The CHAIRMAN. You say that he had represented him?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. In respect to what?

Mr. SHOEMAKER. The transfer of his license. Mr. McCarthy was so sure that he could not continue after the 1st of November, 1914, that he sought to transfer his license.

The CHAIRMAN. And he employed Mr. Columbus?

Mr. SHOEMAKER. Yes; he employed Mr. Columbus, and I think he made possibly three efforts to transfer his license.

The CHAIRMAN. Was that while he was chairman of the board?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. He made two or three efforts to transfer to the Evans Building?

Mr. SHOEMAKER. Not to the Evans Building, but elsewhere. He made applications, I believe, on upper Fourteenth Street. These applications were all refused, and shortly after Sheehy had resigned and his resignation had been accepted Mr. McCarthy made an application for transfer of his barroom license to the Evans Building.

The CHAIRMAN. Before you leave that point, now, do you know why Mr. McCarthy's applications for transfers were declined while Mr. Sheehy was president of the board?

Mr. SHOEMAKER. I do not know. There was some opposition to them, not strong cases against them at all, but there was some opposition. I remember a case on Fourteenth Street where there were some few protestants.

Senator THOMPSON. Had the applications for the transfers to the Evans Building been made before he went off the board?

Mr. SHOEMAKER. No; these applications were applications for transfers elsewhere while he was chairman of the board. The McCarthy application for the Evans Building was not made until after he went off the board.

The CHAIRMAN. Yes; all right.

Mr. SHOEMAKER. Mr. Columbus sought Mr. Sheehy to assist him, and Mr. Sheehy drew up a contract. I talked with Mr. Columbus himself about this, and the record also shows the contract provided that there should be a retainer of \$500 and a contingent fee, contingent upon the granting of the license, of \$5,000.

The CHAIRMAN. Was the retainer fee to be divided equally between the two?

Mr. SHOEMAKER. Yes; it was divided.

The CHAIRMAN. The \$5,000 contingent fee was to be divided also?

Mr. SHOEMAKER. It was to be divided equally also under the terms of the contract. It appears from the record of a suit of Columbus against Sheehy that Mr. Sheehy collected \$2,500 of the \$5,000, and Mr. Columbus claimed one-half of that. Mr. Sheehy refused to pay him, and Mr. Columbus brought the suit against him. The suit came up before Mr. Justice Stafford, and he threw the case out of court on the ground that such fees in liquor cases were contrary to public policy and good morals. In connection, as I understand it, with that case, Mr. McCarthy placed a large trust on his place of business to cover the expenses of his transfer.

The CHAIRMAN. After this suit for part of the fee had been thrown out on the ground that it was contrary to public policy and good morals, did Mr. Sheehy continue to appear before the excise board?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. In many cases?

Mr. SHOEMAKER. I do not just recall when that court decision was handed down.

The CHAIRMAN. He has continued, however, to appear before the board?

Mr. SHOEMAKER. Oh, yes; before the board.

The CHAIRMAN. He is an attorney in good standing before the excise board?

Mr. SHOEMAKER. Absolutely.

Senator THOMPSON. Do you know anything about why the other \$2,500 was not paid?

Mr. SHOEMAKER. I do not know, except my understanding was, I think from Mr. Columbus, that McCarthy did not have any more money to pay at that time, or something of the kind. He tried to collect it and failed to collect it.

The CHAIRMAN. You heard the testimony of Mr. Wilson yesterday afternoon?

Mr. SHOEMAKER. I did.

The CHAIRMAN. You heard him testify as to what you had said to him as to what members of the board had said to you regarding evidence you had adduced in certain cases?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Do you remember those cases?

Mr. SHOEMAKER. Suppose I take up those cases?

The CHAIRMAN. Go ahead and take up those cases that Mr. Wilson referred to. He referred to conversations with you regarding them?

Mr. SHOEMAKER. Simply as to the conversations, or the whole case?

The CHAIRMAN. I want you to corroborate, if you can, what Mr. Wilson said. I want to know if you can corroborate him?

Mr. SHOEMAKER. The Thomas Raftery case was one of the most flagrant cases that came within my notice. Mr. Raftery had a license in the northeast section of the city, located in a strictly residential neighborhood, and he sought a transfer to 406 H Street NE. He entered into a contract to buy the property, and made application for the transfer. Some weeks before the hearing on the application was had, a citizen and business man conducting business at 406 H Street, a Mr. Fitzsimmons, sent to us for assistance, for petition blanks, for protest blanks, and for instructions as to how to proceed to prevent the license from going in. We sent him the protest blanks and the necessary instructions, but did not hear from him promptly, and no protest had been filed. I discovered that the day before the hearing.

That same day I had information from two sources that the protests, which had been numerous signed, had been bought and destroyed. I had not time to investigate the matter that afternoon, and was assured that there were some citizens there who would testify to the protests. When I attended the hearing next morning there was only one citizen living in the immediate neighborhood, and Judge Strider who was the owner of property on that block. I proved by the citizen present that he had signed a protest, that he saw it a second time, and that more names had been added to it, but he knew nothing further about it. Judge Strider had not seen the protest. When the applicant himself was on the stand he swore that he had never seen or heard of a protest; that, however, he had paid to Mr. Fitzsimmons, to whom we had sent the protest blanks, \$100, with a promise, if the license was granted, of another \$100 for the vacating of the building when required to do so. Upon that showing I asked the board for a continuance of the case to give us time to investigate the charges. The chairman, Mr. Sheehy, peremptorily refused a continuance. I insisted, and he continued to refuse, and there was no continuance. He did say, however, that protests might be filed the next day if they should come in. I did not get a chance to go into the matter directly, and a day or two afterwards I received a protest, not on the form that we sent out, but a protest with a few names, protesting against the transfer of that license. That protest I filed promptly, before the board acted upon the application and granted the transfer. Later the transferee, it was disclosed, was unable to get possession of No. 406 H Street, to which he had been transferred, and the excise board had a hearing

to find out why he had not transferred his license. That was a month or so or more afterwards, and then it was shown that there was some trouble between the licensee and the owner of the property.

A short time after the hearing application was made by Mr. Raftery for a transfer to No. 420, on the same block, and a hearing was granted upon that application, and there was some considerable number of protests filed against that transfer.

At the hearing I objected to proceeding until the board had reconsidered and refused the grant of the license to No. 406 H Street. The board refused to take such action and went on with the hearing. The morning of the hearing Mr. Fitzsimmons, who had secured the protests and who, it was alleged, had given them up for a compensation, called me up at my office over the telephone and asked me if there was a hearing on the application that day, and I told him yes. He said, "I think that I had better come down. I have heard so much about this transaction that I think I will be glad to tell my story to the excise board," or words to that effect. I urged him to come down, and he did come. We went on with the hearing that morning and did not reach him, and the board took a recess until the afternoon.

Mr. Fitzsimmons said to me that he did not think he could return that afternoon; that he was busy; being a tailor, he had a number of suits to get out, and some of his customers were prominent men, and he did not want to disappoint them. I urged him to come, and asked the board to tell him to come. The board seemed to hesitate to do it, but finally said, "Mr. Fitzsimmons, if Mr. Shoemaker wants you to come, come."

They manifested no interest, apparently, in having him come. At the afternoon session he had not appeared when we wanted him, and we went on with the case and got as far as we could without him, and then asked for a delay in order that Mr. Fitzsimmons might have time to get there, and I had him called up by telephone, and at his store they said that he was on his way, or he said he would come, himself. The board said, "We will give you 10 minutes, and if he does not appear we will go on with the case." Mr. Sheehy, who was then his attorney, together with Mr. Michael J. Keane, objected very strenuously to the delay, and objected to having his testimony. The 10 minutes expired and the board ordered the case to be resumed. I asked for a further delay, and while talking about it Mr. Fitzsimmons came in. He was immediately put upon the stand and testified in substance to this effect: "I was in business as a tailor at 406 H Street and I permitted the notice card to be tacked on the building. I thought it over afterwards, and realized that it would be a great inconvenience to me and seriously interfere with my business, it being in the spring of the year, and I went to my attorney and consulted him as to what I should do. My attorney advised me to tear the card down, and I tore it down. Mr. Raftery, the applicant, came to me shortly afterwards and made a proposition to me that if I would agree to permit the building to be posted and to give possession of the building when required and not to protest against him, he would give me \$100, and in case the license was granted \$100 more."

The CHAIRMAN. Did he also include as consideration the offer of destruction of any protests?

Mr. SHOEMAKER. Yes. I asked Mr. Fitzsimmons if he had the protests that he had signed at that time. He formerly testified that he had circulated a protest and had gotten it numerous signed, giving the names of many of the signers. I asked him if there was anything said about the protest. He said, "Yes, I had the protest with me and showed it to Mr. Raftery and asked him what I should do with it. I just destroyed it in his presence."

The CHAIRMAN. Did he get the \$100 at that time?

Mr. SHOEMAKER. He got the \$100 at or about that time, and he got the other \$100, I understood him to say, later. I asked him if he knew anything further about protests, and he said yes; that a day or two afterwards Mr. Raftery again came to him with other protest blanks and asked him to circulate them against himself.

The CHAIRMAN. How was that?

Mr. SHOEMAKER. That Raftery came to him with other protest blanks and asked him, Mr. Fitzsimmons, to circulate these additional protests.

The CHAIRMAN. Mr. Fitzsimmons testified to that before the excise board?

Mr. SHOEMAKER. He testified to that before the excise board; that Mr. Raftery, the applicant, came to him with other protest blanks and asked him to circulate them against himself; that is, against Raftery.

The CHAIRMAN. Did he say why?

Mr. SHOEMAKER. He did not say at that time. He said, "I did not know just what that meant, and I went down to Mr. M. J. Keane's office and asked him about it, whether I should do it or not, and why it should be done, and he said, 'Yes, circulate them in order to keep the protest alive'; and I took the protests and did circulate them, and I secured quite a number of signatures of property owners and residents on the protests and turned them over to Mr. Raftery." That was the testimony of Mr. Fitzsimmons at that hearing in substance. Mr. Raftery himself, upon cross-examination, in the presence of Mr. Fitzsimmons admitted that he had heard of the protests and had seen the protests, contradicting his testimony given at the former hearing when he said that he had never heard of it or seen it.

The CHAIRMAN. To what protest did he refer then, the original, real protest?

Mr. SHOEMAKER. The original protest.

The CHAIRMAN. Did he admit that he asked Mr. Fitzsimmons to circulate this protest afterwards?

Mr. SHOEMAKER. He did not admit that, no.

The CHAIRMAN. Did he deny it?

Mr. SHOEMAKER. No; he did not deny it, but he did not admit it. I am not sure about that, but he did not deny it, as I recall.

The CHAIRMAN. The record will show that.

Mr. SHOEMAKER. The record of the excise board will show that, I think. After the argument of the case and the hearing was concluded Mr. Baker called me over to him—this is Henry S. Baker, a member of the excise board—and, much to my surprise said, "Now, that you have got this testimony in, what does it amount to?" I answered him in this way. I said, "Mr. Baker, after this testimony produced here to-day by Mr. Fitzsimmons, part of it

admitted by Mr. Raftery himself, and after what I have said in my argument, nothing further that I can say will enlighten you."

The CHAIRMAN. This was Mr. Baker, one of the members of the excise board?

Mr. SHOEMAKER. Of the excise board, yes, sir. The license application for No. 420 was refused. Remember that the grant for the transfer of No. 406 was still in existence, although he was not occupying No. 406, but was running a barroom at his old stand, at Third and C Streets NE. I have forgotten the number.

Shortly after this application for a license at No. 420 was refused, Mr. McCarthy took possession of No. 406, and remodeled the building at apparently large expense, and entered it as a saloonkeeper, and the license for that place was renewed for the year beginning November 1, 1914.

The CHAIRMAN. They granted Mr. Raftery a transfer to No. 406?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. After this testimony had developed, the testimony to which you have referred in regard to No. 420?

Mr. SHOEMAKER. Not exactly that, Senator. They had granted the transfer to No. 406 in the first instance, and the applicant was unable to take possession of the building, having some trouble with the owner of the building.

The CHAIRMAN. Yes.

Mr. SHOEMAKER. While that was pending, after he had been granted a transfer and before he had taken possession of No. 406, he made application for No. 428 H Street. The board taking no further action with reference to No. 406, the grant for No. 406 was on the records, standing?

The CHAIRMAN. Had you contested the application for No. 406?

Mr. SHOEMAKER. Oh, yes.

The CHAIRMAN. On what grounds?

Mr. SHOEMAKER. On the ground that it was in a residential section of the city, very largely; there were not many protestants there. Judge Strider was there, and he protested on the ground of having property in the neighborhood; and one other citizen who had signed the protest that was destroyed was present. After we found out these protests had been destroyed we asked for a continuance, and that is where the trouble came.

The CHAIRMAN. Had the protests been destroyed with reference to No. 406 also?

Mr. SHOEMAKER. The protests that were destroyed were entirely with reference to No. 406.

The CHAIRMAN. That was the building in which Fitzsimmons had an office?

Mr. SHOEMAKER. In which he had a tailor shop. Mr. Thomas Raftery had a saloon at the corner of Third and C Streets NE., in a residential section. He desired a transfer to No. 406 H Street, and made application for that place. Mr. Fitzsimmons, who was the tenant in the building, having a tailor shop there, sent for protest blanks, and they were furnished him. He circulated those protest blanks, and they were not filed prior to the hearing, and the information came to us that the protests had been destroyed. Not having time to investigate the question, at the hearing next day a citizen

appeared and swore that he signed the protest, had seen it second time, and that others had signed it meanwhile, but he knew nothing further about it. The applicant, Mr. Raftery, swore that he had not seen or heard of the protest. Upon that showing I asked the board for a continuance, to give us an opportunity to investigate those charges. The board refused.

The CHAIRMAN. Up to this time, now, nothing had been said about No. 420?

Mr. SHOEMAKER. Nothing.

The CHAIRMAN. Now go ahead.

Mr. SHOEMAKER. Mr. Sheehy was then chairman of the board and he refused to grant a continuance, and the license was in a few days granted to No. 406; but owing to some trouble between the owner of the property and Mr. Raftery—Mr. Raftery was trying to buy the property—he was unable to take possession of it; and a month or two months, probably, after that, he made an application for No. 420, and the hearing was granted on that application.

The CHAIRMAN. And it was on that hearing that the further evidence came out as to Raftery's dealings with Fitzsimmons with reference to No. 406?

Mr. SHOEMAKER. Yes, sir; that is it. Is that clear, Senator?

The CHAIRMAN. I think that clears it up. And despite the fact that this evidence came out, the board allowed him to retain his permission for a transfer to 406?

Mr. SHOEMAKER. To No. 406. At the hearing on the application for No. 420, I had urged that the board should reconsider and refuse the grant of a license to No. 406, but the board refused that request and considered the grant to No. 420 after the record showed a grant to No. 406. In other words, he was running a barroom at Third and C Streets, which had been transferred to No. 406 H Street, and then they were considering the grant of another application for No. 420, all at the same time.

The CHAIRMAN. Who represented Raftery?

Mr. SHOEMAKER. In his application for No. 420 he was represented by Mr. Joseph C. Sheehy and Mr. Michael J. Keane.

The CHAIRMAN. Who represented him in his application for No. 406?

Mr. SHOEMAKER. I am not sure, but I think it was Mr. Keane.

The CHAIRMAN. The record will show?

Mr. SHOEMAKER. Yes. It was Mr. Keane, I think.

Senator THOMPSON. On this renewal for No. 406 last November, was another showing made?

Mr. SHOEMAKER. As I recall it, Mr. Sheehy appeared for him in October on the application for renewal of license, but we made no attempt to go further into the case at that time, deeming it absolutely useless.

Senator THOMPSON. And the renewal was granted there as a matter of course?

Mr. SHOEMAKER. Yes, in effect, as a matter of course. I do not remember any protest there.

The CHAIRMAN. What did you hear any member of the excise board say regarding any testimony adduced in the Ebbitt House case?

Mr. SHOEMAKER. I knew of certain information in connection with the Ebbitt House case, as to the conduct of the Ebbitt House dining room and barroom, and some information came from Mr. Thomas Wood, who was a former employee of the Ebbitt House. He was what we call a door man on the Fourteenth Street side. Mr. Wood is now connected with the Capitol police force. Mr. Wood hesitated to appear publicly in giving his testimony against the Ebbitt House. He had some delicacy about it, and I asked him if he would appear with others whom he knew to have information against the conduct of the Ebbitt House, and he said he would. I then, at the first opportunity, requested the board to grant a private hearing to Mr. Wood and others who might be introduced as witnesses. The board finally granted permission, not for the whole case, but for these witnesses referred to. The hearing was given and Mr. Wood appeared and gave his testimony, which was to my mind exceedingly damaging. I do not know whether you want me to repeat something of the nature of his testimony or not.

The CHAIRMAN. He testified concerning the furnishing of liquor to girls, did he not?

Mr. SHOEMAKER. Yes; he testified to the practice of furnishing liquor to young women, some of them under age, and gave instances that came under his personal observation. He told of one instance where he personally had carried out a young girl 17 or 18 years old, carried her bodily, she being so drunk that she was not able to walk, and put her in an electric auto, and that she had come down in the machine, driving it herself; and that the young man with her was unable to run the machine. He also told how the women who became intoxicated were taken out through an alleyway coming out on F Street, and put in carriages and taken away in that way. He also told about scenes he had witnessed in the dining room of the place, and told how useless it was to report to his superiors about the misconduct of the place. That was in effect the substance of his testimony.

The CHAIRMAN. What observation, if any, did any member of the board make regarding that testimony?

Mr. SHOEMAKER. The next morning after this hearing I was called to the board—to the board's private office—by Mr. Bride about another matter—another case. He wanted to talk with me about the refusal of the board to accept some evidence I had offered the day previous in a case. Mr. Bride wanted the evidence admitted, and the other two refused to have it admitted.

Senator THOMPSON. Do you mean this Ebbitt House evidence?

Mr. SHOEMAKER. No; that has to do with the testimony in another case.

Senator THOMPSON. While you were there did they bring up this matter of the Ebbitt House hearing?

Mr. SHOEMAKER. Yes. While I was there Mr. Bride said, in talking about this other evidence, "Now, you see we ought to have admitted that evidence, and you see what we got out of the Ebbitt House case by having these witnesses." With that remark the chairman said, "I give no attention to that evidence. It has no weight with me whatever."

Senator THOMPSON. Meaning the Ebbitt House evidence?

Mr. SHOEMAKER. Yes; the Ebbitt House evidence. He said, "It has no weight with me whatever; I pay no attention to it." And Mr. Baker said, "Amen! Amen!"

The CHAIRMAN. Had they granted the license at that time to the Ebbitt House?

Mr. SHOEMAKER. No, they had not. They did not grant that until the 30th or 31st of October.

The CHAIRMAN. 1914?

Mr. SHOEMAKER. 1914; yes, sir; this last year. This hearing of the Ebbitt House case was on the application for the year beginning November 1, 1914.

The CHAIRMAN. Do you remember any other case in which observations of similar character were made to you by the board?

Mr. SHOEMAKER. I do not know anything, Mr. Chairman, very definite about any similar remarks in any other case.

The CHAIRMAN. Very well. Have you had any conversation with any member of the board in addition to the conversations you have already alluded to in reference to license matters?

Mr. SHOEMAKER. I have had a great deal of conversation with the members of the board from time to time.

The CHAIRMAN. Was anything ever said to you by any member of the board with reference to the fact that any individuals were making collections for members of the board?

Mr. SHOEMAKER. I remember one conversation I had with them.

The CHAIRMAN. With whom?

Mr. SHOEMAKER. With the three members of the board. They sent for me upon one occasion and asked me if I had heard the rumors or talk in reference to large fees paid attorneys for appearing before the excise board. I told them that I had; that citizens had approached me and had commented upon the situation; that many of them had said to me that the fact that these attorneys were receiving such large fees was indicative of things that were not right. I talked with them along that line, and they with me in return, and they seemed anxious to know how I felt about it, and I told them that my answer to folks who came to me in that way was that I had no knowledge of anything crooked in connection with the action of the board; that while I said that, I thought they should take some steps to dispel from the minds of the people as far as possible the idea that the money paid to attorneys was going in part to members of the excise board; that I felt it was their duty to themselves and to the community to protect themselves; that if I ever became convinced that the members of the board were grafting, receiving any part of the money paid to these attorneys, I should stop appearing before them. Mr. Bride remarked that it was deplorable that these large fees should be paid, and that so far as he was concerned, if he knew that an attorney was receiving an unusual fee, he would feel constrained to vote against the grant of the license.

The CHAIRMAN. Was this after the case of Columbus v. Sheehy had been tried?

Mr. SHOEMAKER. No; that was before.

Senator JONES. What did the other members of the board say?

Mr. SHOEMAKER. The other members said that they had nothing to do with what attorneys charged for their services; that it did not concern them at all.

Senator JONES. That is, the other members of the board seemed to be indifferent as to the fees that might be secured by attorneys?

Mr. SHOEMAKER. Absolutely indifferent.

Senator JONES. And so expressed themselves?

Mr. SHOEMAKER. And so expressed themselves.

The CHAIRMAN. Did you hear any member of the board say anything about collections made by Mr. Columbus and a Mr. Baker?

Mr. SHOEMAKER. I heard no one of the board speak about it, I think, except Mr. Bride.

The CHAIRMAN. What did you hear him say?

Mr. SHOEMAKER. He simply spoke in a deploring way about it.

Senator JONES. What did he say?

The CHAIRMAN. Yes; what did he say?

Mr. SHOEMAKER. I do not recall anything specially that he said. We had no extensive conversation about it. He simply stated that he had heard of it. I do not think anyone else was present. I think he said that to me in the board room.

The CHAIRMAN. Did he mention the names of Mr. Columbus and Mr. Baker?

Mr. SHOEMAKER. No; not at that time. Let me see. Oh, I remember that on one occasion he said to me that Mr. Columbus——

The CHAIRMAN. Now, to what Columbus did he refer; not to the lawyer, Columbus?

Mr. SHOEMAKER. I think his initials are W. F.; he is a lawyer.

The CHAIRMAN. The lawyer Columbus?

Mr. SHOEMAKER. I assumed he referred to him. He simply said "Columbus"——

The CHAIRMAN. Yes.

Mr. SHOEMAKER. And Mr. Baker's son——

The CHAIRMAN. Yes.

Mr. SHOEMAKER. Were acting as collectors for Mr. Baker.

The CHAIRMAN. For Mr. Baker, a member of the excise board?

Mr. SHOEMAKER. Yes.

Senator JONES. How did that conversation come up?

Mr. SHOEMAKER. On the Saturday night prior to the granting of the licenses or renewals for the present license year I was with Mr. Bride and Chairman Smith and Mr. Hugh Harvey, making some inspections of saloons, and Mr. Bride, as I recall it, made this remark to me one night in an automobile before Mr. Smith and Mr. Harvey were taken in.

The CHAIRMAN. Do you know young Mr. Baker's initials?

Mr. SHOEMAKER. I do not, Mr. Chairman.

Senator JONES. What remark did he make to you in the automobile?

Mr. SHOEMAKER. Simply that Mr. Columbus and Mr. Baker's son were acting as collectors.

Senator JONES. In what connection did he make that remark? What led him to make it?

Mr. SHOEMAKER. We were talking generally about excise conditions, and I do not know that he said anything further about it, but I expressed surprise, and we went on talking about something else.

Senator THOMPSON. Just when was that, now?

Mr. SHOEMAKER. That was on a Saturday night, the last Saturday night in October, as I recall it.

Mr. WILSON. The last Saturday in October. October 31 was Saturday.

Mr. SHOEMAKER. Then it was the Saturday previous to that.

Senator JONES. I would like to get from you the exact language used by Mr. Bride. Did he say that he understood Mr. Columbus and Mr. Baker were collecting this money and that they were doing it—state as nearly as you can what he said.

Mr. SHOEMAKER. I do not know that he said that he understood. I have quoted it as nearly as I possibly can, that Mr. Columbus and Mr. Baker's son were acting as collectors for Mr. Baker.

The CHAIRMAN. What do you know about the charges with reference to the location of saloons within a shorter distance than 400 feet of houses of religious worship and public schoolhouses, colleges, and universities, measured by the shortest course of travel?

Mr. SHOEMAKER. Mr. Chairman, previous to the hearings on the applications for renewals of licenses last fall I felt it necessary to make personal inspections and measurements, wherever it seemed to be necessary, of all saloons and wholesale places.

The CHAIRMAN. Have you had any experience as a surveyor?

Mr. SHOEMAKER. Yes; I followed the business of surveying for several years in this District, and also in the State of Maryland, and I arranged with a party to accompany me with steel tapes and visited all saloons that were applying for renewals of licenses and measured where there was any chance of a public schoolhouse or a college or a university or a house of religious worship being within the limit. I also made measurements to inhabited alleys, and also made estimates of the business frontage on the sides of blocks where saloons were located. This work required many days. I made the measurements as carefully as I could without using a transit for the purpose of running the straightest possible line. We measured to churches and schools and by the shortest course of travel from entrance to entrance over a public right of way. In some instances we measured different ways. I have here a sort of a field book, in which I have the names of the licensees and the location of every saloon applying for renewal of license, and I have, in addition to the results of measurements and inspections, added the reports made by the police in connection with the various applications for renewal of licenses. In many instances the police and my reports agree as to the distances between churches, schools, and houses of religious worship.

The CHAIRMAN. You found a number of saloons to be located within a shorter distance than 400 feet?

Mr. SHOEMAKER. Within 400 feet.

The CHAIRMAN. Within 400 feet of houses of religious worship or public schools or colleges or universities?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. You provided me with a list of those places, did you not?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. I have submitted that list to the District surveyor for verification, so that unless you have something else on that, it is enough.

Senator JONES. I suggest that Mr. Shoemaker make his statement with reference to each item on that list, and how he found conditions, what he did, etc.

Mr. SHOEMAKER. I want to say that one reason why we felt it necessary to make these measurements was because the board would not fix or determine any rule to govern the measurements. We could not find out how they were going to make the measurements. The police had no instructions as to how they should make them, and we had no light on the subject.

The CHAIRMAN. Have they ever promulgated any definite rule of measurement?

Mr. SHOEMAKER. No definite rule. We asked them several times to do that, but they refused, and consequently we are entirely in the dark as to the method of measurement.

The CHAIRMAN. What answer did they make to your requests?

Mr. SHOEMAKER. Their answer was that every case stood on its own bottom.

The CHAIRMAN. That is, that they would have a different rule of measurement for each case?

Mr. SHOEMAKER. I think so.

The CHAIRMAN. What answer did they make to that?

Mr. SHOEMAKER. Well, I got no satisfaction, and so I found the different captains of police precincts in making their measurements followed different rules according to their own ideas of how the distance should be measured. Some captains measured the shortest possible way. Others did not, so there was some confusion in their reports and in our measurements.

Senator THOMPSON. Did you not understand that the board had the view that the square-corner measurement should be made?

Mr. SHOEMAKER. They held that they were at liberty to make rectangular measurements, and they endeavored to fall behind a traffic regulation which was recently modified, but which was formerly a prohibition against pedestrians crossing streets anywhere except at street crossings, and which provision of the traffic regulations was absolutely nil. There was no attempt to enforce it, and nobody paid any attention to it. In later regulations there was a modification of that rule, and the prohibition was eliminated, and there was simply some advice about crossing streets, particularly in the downtown section where the traffic is heaviest. I inquired of the corporation counsel as to his construction of that regulation, and he said there was no prohibition against crossing the streets anywhere.

The CHAIRMAN. Proceed with that list.

(The list referred to is as follows:)

The following-named saloonkeepers were granted licenses for the year beginning November 1, 1914, for places located within 400 feet of houses of religious worship, public schoolhouses, colleges or universities, according to measurements made by "the shortest course of travel" from entrance to entrance. Some are within the prescribed distance by longer measurements:

John J. Allen, 807 North Capitol Street, 397 feet to St. Aloysius Church.

Michael Daly, 1319 Seventh Street NW., 397 feet to Church of Immaculate Conception by long measurement, 347 feet to Church of Immaculate Conception by short measurement.

John D. O'Connor, 918 Ninth Street NW., 328 feet to College of Pharmacy; 375 feet longer measurement.

August H. Plugge, 1317 Seventh Street NW., 329 feet of Immaculate Conception Church; 379 feet by longer way (right angles).

John J. Brosnan, 506 Four-and-a-half Street SW., 364 feet to Jewish Church on E Street.

James J. O'Donnell, 333 Pennsylvania Avenue SE., 385 feet to Metropolitan Presbyterian Church.

Patrick J. McDonald, 643 Pennsylvania Avenue SE., 364 feet to Wallach Public School.

John G. Graff, 222 Seventh Street SE., 392 feet to Eastern High School.

W. J. and Jeremiah Costello, 600 G Street NW., within 100 feet of Greek Catholic Church.

Margaret Casey, 114 H Street NW., within 200 feet of public school.

John T. O'Day, 921 Ninth Street NW., 367 feet to College of Pharmacy.

John F. Schriener, 730 Fourteenth Street NW., 336 feet to New York Avenue Church, New York Avenue entrance; 375 feet to New York Avenue Church, H Street entrance, measured straight angles.

Marty T. Schultz, 607 G Street NW., within 200 feet of Greek Church.

John F. Killeen, 1314 Wisconsin Avenue NW., 364 feet of Dumbarton Avenue Methodist Episcopal Church.

Charles H. Morris, 2029 K Street NW., 330 feet of Stevens Public School.

Robert H. Snook, 825 Seventh Street NW., 389 feet of Calvary Baptist Church.

Frank C. Poch, 900 Four-and-a-half Street SW., 393 feet of public schoolhouse.

Hugh F. Harvey, 1913 Pennsylvania Avenue SE., 340 feet to Union Methodist Episcopal Church.

John E. Mergner, 415 East Capitol Street, 373 feet of public school.

John J. Daly, 306 Sixth Street NW., distance to Central Union Mission.

Luther H. McMillan, 1421 G Street NW., distance to Temple Business School.

Wholesale places within 400 feet of churches or schools:

Frank L. Ash, 1330 Twenty-eighth Street NW., two churches less than 400 feet.

Eugene T. Lyddane, 1422 Wisconsin Avenue.

Lawrence A. McCormick, 327 Pennsylvania Avenue SE.

Henry S. Byrd & Martin J. Barry, 521 G Street NW.

Wm. Herman, 1519 Seventeenth Street NW.

Mr. SHOEMAKER. I measured the distance from the entrance to the John J. Allen saloon at 807 North Capitol Street to St. Aloysius Church on the same street, on the opposite side. I made the distance 397 feet.

The CHAIRMAN. You measured by the shortest course?

Mr. SHOEMAKER. The shortest course of travel.

The CHAIRMAN. By that you mean the shortest line; that is, the most direct line in which a person would walk over a public right of way from entrance to entrance?

Mr. SHOEMAKER. Yes. We measured in that instance directly up the same side of the street, before crossing over.

The CHAIRMAN. In leaving the entrance of the saloon would you go any distance directly opposite the entrance before turning toward the church, or would you go directly in a line with the wall, against the wall?

Mr. SHOEMAKER. We would go out a comfortable distance to permit a pedestrian to walk comfortably.

The CHAIRMAN. Exactly. About 18 inches?

Mr. SHOEMAKER. About 18 inches or 2 feet. Then we measured across in a diagonal way, where people seemed to be walking to this church, into the yard, into the entrance, in the door itself, and we made that distance 397 feet.

The CHAIRMAN. Very well.

Mr. SHOEMAKER. We measured the distance from the saloon of Michael Daly, at 1319 Seventh Street NW., to be 397 feet to the Church of the Immaculate Conception, by a long measurement.

Senator JONES. What do you mean by a long measurement?

Mr. SHOEMAKER. We went across the street at right angles. Let us see, what street is that? The Church of the Immaculate Conception is on N Street, west of Seventh Street. We measured along the pavement from the nearest entrance to the church to Seventh Street, across Seventh Street, as I remember it, to the opposite side, on which is located the saloon, and up to the saloon.

Senator THOMPSON. That was by square corners?

Mr. SHOEMAKER. By square corners.

Senator JONES. That is, you began by the entrance to the church on that side of the street and measured down the sidewalk opposite the entrance to the saloon, and then straight across to the entrance to the saloon; is that right?

Mr. SHOEMAKER. This church is on the north side of N Street, west of Seventh.

Senator JONES. It is on one side of the street, and the saloon is on the other?

Mr. SHOEMAKER. The saloon is on Seventh Street and the church is on N Street.

Senator JONES. Oh, yes.

Mr. SHOEMAKER. We crossed Seventh Street to the side of the street on which the saloon is located, the east side, and went up to the entrance of the saloon.

Senator JONES. Yes.

Mr. SHOEMAKER. I then made a measurement by a shorter route, and measured from the church entrance along the north side of N Street to the curbing of Seventh Street, and then in a diagonal line, an easy diagonal, to the entrance to the saloon, and that was 347 feet.

Senator JONES. So that was within the distance by either measurement?

Mr. SHOEMAKER. By either measurement, as I made it.

I then measured from the saloon of John D. O'Connor, at 918 Ninth Street NW. and made the distance from the College of Pharmacy on I Street, east of Ninth Street, to be 328 feet. The O'Connor saloon is on the west side of Ninth Street. I made a longer measurement of 375 feet. As I recall it, I measured down from the entrance of the saloon to the north curb of I Street, and then in a diagonal line to the entrance of the College of Pharmacy. I made that distance 328 feet. The long measurement was taken, as I recall it now, by crossing I Street at right angles and measuring up the south side of I Street to the entrance to the college. I made that distance 375 feet.

Senator JONES. Do you know how long that college has been located there?

Mr. SHOEMAKER. It has been located there for, I should say, 10 or 15 years. I am not sure about that. I may say, since the Senator has asked that question, that the college is a part of George Washington University; the degrees are conferred by the George Washington University; and in connection with some of these cases where this college came into consideration, the president of George Washington University testified before the board as to the status of the College of Pharmacy, and his testimony convinced me beyond a question that it is a high-grade institution, a part of George Washington University, and is a college just as much as is its College of Law or its College of Medicine.

Senator JONES. Were these measurements made before the applications for licenses were acted upon?

Mr. SHOEMAKER. Oh, yes.

Senator JONES. And were these measurements called to the attention of the board in connection with the various applications before the hearings took place?

Mr. SHOEMAKER. Before the hearings took place I furnished the results of these measurements to the board.

The CHAIRMAN. Those measurements, as well as the measurements in the other cases you have listed?

Mr. SHOEMAKER. Yes; and at the hearing on each case we urged the location and the distances at that time.

Senator THOMPSON. Did they make any counter showing as to distances and how they arrived at their conclusions?

Mr. SHOEMAKER. They made measurements themselves. They were out at the same time I was out, in different parts of the city. I knew nothing as to the results of their measurements, and in fact I do not to this day.

Senator THOMPSON. What I mean is, at the hearing they did not make any showing?

Mr. SHOEMAKER. They simply—

Senator THOMPSON. Took judicial knowledge of the distances?

Mr. SHOEMAKER. In some instances they would say that their measurements differed from mine.

The CHAIRMAN. But they did not show exactly how they made their measurements?

Mr. SHOEMAKER. No, sir; not in any instance just how they measured.

Senator JONES. And they did not point out wherein your measurements were wrong?

Mr. SHOEMAKER. No; and in some instances they promised to make measurements, and I think they did in some instances.

The CHAIRMAN. All with the results favorable to the licensing of saloons in the cases you have listed there?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. Give the other cases briefly.

Mr. SHOEMAKER. August H. Plugge had a saloon at 1317 Seventh Street NW. That saloon is next door to the one kept by Michael Daly, to which I have already referred, at 1319 Seventh Street NW. The Plugge saloon is nearer the Church of the Immaculate Conception than the Daly saloon, and I made the measurements to his saloon in the same way as I made those to the Daly saloon. I made two measurements.

The CHAIRMAN. Just read the rest of them, telling what you found the distances to be.

Senator JONES. Just give the conclusions.

Senator THOMPSON. You did not give the measurement to the Plugge saloon?

Mr. SHOEMAKER. I made the measurement to the Plugge saloon from the Church of the Immaculate Conception, and my shorter measurement was 329 feet, while the longer way, at right angles, was 379 feet.

Senator THOMPSON. This shorter one that you speak of, is that the regular course or the natural course of one traveling going the short way?

Mr. SHOEMAKER. Yes; the shortest course of travel.

I measured the distance from the saloon of John J. Brosnan at 506 Four-and-a-half Street SW., to the Jewish Church on E Street. That distance I made to be 364 feet.

James J. O'Donnell has a saloon at 333 Pennsylvania Avenue SE. I made the distance from the entrance to that saloon to the nearest entrance to the Metropolitan Presbyterian Church to be 385 feet. The short part of that line is a diagonal line just crossing Pennsylvania Avenue.

Patrick J. McDonald has a saloon at 643 Pennsylvania Avenue SE. I measured the distance from the entrance to his saloon to the nearest entrance to the Wallach Public School to be 364 feet.

John G. Graff has a saloon at 222 Seventh Street SE. I measured the distance from the nearest entrance to his saloon to the nearest entrance to the Eastern High School to be 392 feet.

W. J. & Jeremiah Costello have a saloon at 600 G Street NW. I did not make an actual measurement of the distance from this saloon to the Greek Catholic Church, located on the opposite corner, just across this street. The distance, I should say, is less than 100 feet.

Senator JONES. Less than 100 feet?

Mr. SHOEMAKER. Yes, sir.

Senator JONES. The distance is short, and that is the reason you did not measure it?

Mr. SHOEMAKER. Yes; that is the reason I did not measure it.

Senator JONES. Do you know how long that church has been established there?

Mr. SHOEMAKER. That church has been used by the Greek congregation there, and that is the only one in the city, as I remember, for nine years.

Senator JONES. Is the building used for any other purpose?

Mr. SHOEMAKER. The building has a basement underneath, and then the auditorium at the top. Underneath, the place is now used and has been used for some little time as a bicycle shop. The priest of this church came on one occasion to protest against a license going across the street from his church, and he testified before the board in that case as to the regularity of his congregation and his services, and his testimony was absolutely convincing that it is a regular church organization, as regular as any other church in this city.

Senator JONES. What excuse, if any, did the board give for granting that license?

Mr. SHOEMAKER. The board never gave any excuse to me at all. I never heard them express themselves about it.

The CHAIRMAN. I understand that they hold that a house not exclusively used for religious purposes is not considered by them a house of religious worship under the terms of the law.

Mr. SHOEMAKER. They have given such expressions in other cases, but not in this particular case, to me.

The CHAIRMAN. In the reply which they have sent me, they make that contention.

Mr. SHOEMAKER. Yes.

Senator JONES. So that under their contention, the mere fact that there was a little bicycle repair shop there would permit them to put any number of saloons within any distance of that church?

Mr. SHOEMAKER. Yes. As a matter of fact, there is another saloon on G Street just across from it, probably as close to it as Costello's saloon, and this new board has granted a license for a wholesale place also across the street within the prescribed distance.

Margaret Casey has a saloon at 114 H Street NW. She was permitted to transfer during this last license year to that place. It is within 200 feet of a public school known as the Manual Training School, which has been there, I think, for 13 or 14 years. This building is not owned by the District, but it has been leased by the District for these years. Underneath it is a milk-bottle establishment—that is, some dealer in milk bottles—and I suppose that the same rule applies which was referred to a while ago, that its not being occupied entirely as a schoolhouse has operated to prevent the school from having the protection the law seems to give it.

Senator THOMPSON. That is a public school?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. And has been used as such for many years?

Mr. SHOEMAKER. Yes. It may be interesting to the Senators to know that these manual training schools accommodate a number of school buildings. They have their classes at different times in the day, so that a great many boys and girls come to these manual training schools for one or two hours at a time.

Senator THOMPSON. Can you give any idea of about what the attendance is at this place?

Mr. SHOEMAKER. I think the evidence showed that at one time there was possibly an average of 200 a day who attended there.

Senator JONES. You do not know how many rooms in the building are occupied for school purposes?

Mr. SHOEMAKER. I do not know whether they have more than one room or not, Senator. I have never been in the school. It is a two-story building, and the school occupies the entire second floor.

Senator JONES. And this bottling establishment occupies the lower floor?

Mr. SHOEMAKER. Only a part of it. There are two small stores, and the last time I saw it one of them was vacant. This saloon I refer to is on the same side of the street with the school.

Senator JONES. The board never did contend at any time, that you know of, that it was required by law to establish saloons with reference to these schoolhouses?

Mr. SHOEMAKER. No, except that they gave the impression that they were required to grant 300 barroom licenses.

Senator JONES. In the whole District?

Mr. SHOEMAKER. In the whole District.

Senator JONES. You need not go into that now.

Mr. SHOEMAKER. John T. O'Day has a saloon at 921 Ninth Street NW. I measured the distance from the entrance to that saloon to the college of pharmacy to be 367 feet.

John F. Schriener has a saloon at 730 Fourteenth Street NW. I measured the distance from this saloon to the New York Avenue Presbyterian Church at the corner, where New York Avenue and H Street come together. I made the measurement from the nearest

entrance of the church on New York Avenue to be 336 feet. I want to go into this just a little. I made the measurement by walking directly up the sidewalk on New York Avenue and taking a diagonal across Fourteenth Street to the saloon.

Senator JONES. Then that would be a long measurement?

Mr. SHOEMAKER. No; that is the shortest measurement.

Senator JONES. Oh, yes; on a diagonal.

Mr. SHOEMAKER. Yes, sir.

Senator THOMPSON. That would be the nearest entrance and the shortest course of travel?

Mr. SHOEMAKER. Yes; the nearest entrance on the New York Avenue side. This church has entrances both on New York Avenue and on H Street.

After I had made the measurement to the Schriener saloon from the nearest entrance on New York Avenue, I observed a member of the excise board taking a measurement from the same entrance, and I found that they measured down along New York Avenue across Fourteenth Street, making an acute angle up to the saloon. I do not know what they made the distance, but after they made their measurement, and a day or two before the applications were passed upon by the board, I made the measurement, from the nearest entrance to the church on H Street, and made that in a rectangular way, and made the distance 375 feet. That information I communicated by letter to the excise board at least two days before the license was granted.

The CHAIRMAN. Did they make any answer to that letter?

Mr. SHOEMAKER. They made no answer to it.

Mary T. Schultz has a saloon at 607 G Street NW. The place is across the street from the Greek Catholic Church I referred to a while ago in connection with the Costello saloon. The distance is not more than 200 feet at most.

John F. Killeen has a saloon at 1314 Wisconsin Avenue NW. I measured the distance from the entrance to this saloon to the Dumbarton Avenue Methodist Episcopal Church to be 364 feet, by making a short diagonal crossing.

Senator THOMPSON. Did you make another measurement?

Mr. SHOEMAKER. I made other measurements there, but this is the only one I have a record of here now.

Senator JONES. Do you remember the results of the other measurements?

Mr. SHOEMAKER. I do not, Senator. I made them and I may have that in this book. I can look it up.

Senator JONES. I just thought maybe you remembered.

Mr. SHOEMAKER. I do not remember.

Charles H. Morris has a saloon at 2029 K Street NW. I measured the distance from that saloon. The nearest entrance to the Stevens Public School Building is 330 feet. That was by the shortest course of travel over a public right of way between entrance and entrance.

Robert H. Snook has a saloon at 825 Seventh Street NW. I measured the distance from that saloon to the nearest entrance to the Calvary Baptist Church at the corner of Eighth and H Streets and make the distance 389 feet.

Frank C. Poch has a saloon at 900 Four-and-a-half Street SW. I made the distance from that saloon to a public schoolhouse to be 393 feet.

Hugh F. Harvey has a saloon at No. 1913 Pennsylvania Avenue NW. I measured the distance from his saloon to the nearest entrance to the Union Methodist Episcopal Church on Twentieth Street to be 340 feet.

John E. Mergner has a saloon at 415 East Capitol Street. He has been there some years. There is a large parking there that has been used for walking over; most of it brick, as I recall it. This saloon prior to the erection of an iron fence around the parking in front of the saloon was measured to be 373 feet from a public school building on Fifth Street.

The CHAIRMAN. Is that going around the parking or across the parking?

Mr. SHOEMAKER. By walking down the sidewalk next to the building line, almost flush up with the building line, the sidewalk, as I remember it, extending the full length of the block—a brick walk. This fence was erected, taking in about 40 feet in front of the saloon.

The CHAIRMAN. Of the sidewalk?

Mr. SHOEMAKER. Yes. That made a difference of 80 feet in getting around there and then going into the saloon.

Senator THOMPSON. Do you know when that was done? When the change was made?

Mr. SHOEMAKER. That was done during the last license year, as I remember it.

The CHAIRMAN. Is there a fence also on the other side of the entrance?

Mr. SHOEMAKER. There is a fence on the other side of the entrance, but there is a gateway in it coming from the other way, so that people going to the saloon from the west along East Capitol Street can enter the saloon without going around the fence.

The CHAIRMAN. But if they go from the church to the saloon they have to go entirely around?

Mr. SHOEMAKER. They have to go entirely around.

Senator JONES. This fence incloses a part of the sidewalk, practically?

Mr. SHOEMAKER. A part of the sidewalk; yes.

The CHAIRMAN. Therefore, if you measured it, and measured down the length of that fence before turning at right angles to go to the school, the school would be more than 400 feet from the entrance to saloon?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. I see.

Senator JONES. The apparent purpose of this fence is to get the saloon outside of the distance from the schoolhouse?

Mr. SHOEMAKER. Absolutely.

The CHAIRMAN. The effect of it is that, anyway?

Mr. SHOEMAKER. Yes. It may make a difference of 80 feet in the distance between the two entrances.

The CHAIRMAN. You say this fence was put up after the Jones-Works law was enacted, and before it went into effect?

Mr. SHOEMAKER. Yes, sir; I understand so.

Senator JONES. Was that called to the attention of the board?

Mr. SHOEMAKER. Oh, yes; we called that to the attention of the board at the hearing.

Senator JONES. This fence being built out there, the situation was called to the attention of the board before the application was granted?

Mr. SHOEMAKER. Yes; that was our principal ground of opposition.

The CHAIRMAN. Was there not another instance of an extension being built in front of a saloon on one side of its entrance?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Is that new saloon listed here?

Mr. SHOEMAKER. No; it is another place I thought you referred to.

The CHAIRMAN. You will find that a wholesale place, I think. Was there another entrance where there was a parking constructed?

Mr. SHOEMAKER. Yes; in front of the saloon of John G. Graff, 222 Seventh Street SE.

Senator JONES. Close to what place?

Mr. SHOEMAKER. Close to the Eastern High School. There has been a grass plat formed in front of that saloon.

The CHAIRMAN. On the sidewalk?

Mr. SHOEMAKER. On the sidewalk.

The CHAIRMAN. And on the side of the entrance near the school?

Mr. SHOEMAKER. On the side of the entrance near the school; between the entrance to the saloon and the school.

The CHAIRMAN. Yes.

Mr. SHOEMAKER. So that folks coming out of the saloon would have to walk around that grass plat. That makes a difference of several feet.

The CHAIRMAN. When did that grass plat make its appearance?

Mr. SHOEMAKER. I can not determine that. I do not recall whether it was there when we made our measurement or not, but I have gone there since and I saw it there, and I have been trying to determine whether it was there when we made our measurements or not.

The CHAIRMAN. How much of the sidewalk does that grass plat take up?

Mr. SHOEMAKER. How much of it?

The CHAIRMAN. Yes.

Mr. SHOEMAKER. The plat is, I should say, about 12 feet square, to the best of my recollection.

The CHAIRMAN. All right.

Mr. SHOEMAKER. And it has a little coping around it of about 8 or 10 inches.

Senator JONES. Do you know who put that grass plat in there?

Mr. SHOEMAKER. I do not know. I have been told, but I do not know. This information that came to me was that it was put in there by the proprietor of the saloon.

Senator JONES. Was this situation called to the attention of the excise board before the application was granted?

Mr. SHOEMAKER. I think that that was not called to the attention of the board. The fact is, I did not know about it at the time.

The CHAIRMAN. The board, however, made a personal inspection before it granted that license?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. The board must have seen this plat of grass there?

Mr. SHOEMAKER. I should think so. I say this in explanation: After we filed our list of measurements they were made records in the office and the applicants had access to them, and then there were a number of changes similar to this one in the Graff case, in order in some way to circumvent the law.

Senator JONES. You say there are a number? Detail those changes.

Mr. SHOEMAKER. I can not at this moment give them all to you. I remember one in connection with a wholesale place. A number of these changes were not as to measurements so much as to changes in business frontage and things of that kind.

Senator JONES. Changes in entrances, etc.?

Mr. SHOEMAKER. And changes in entrances.

Senator THOMPSON. This change was made to affect the measurement?

Mr. SHOEMAKER. Yes; to affect the measurement.

The CHAIRMAN. Proceed with your cases where a change was made in the front of a saloon.

Mr. SHOEMAKER. In the grass plat?

The CHAIRMAN. No; that is a wholesale house.

Mr. SHOEMAKER. There are only two places where——

The CHAIRMAN. You have not finished your barroom list yet?

Mr. SHOEMAKER. No. John J. Daly has a saloon at 306 Sixth Street NW. As I recall it, it is within the 400-foot limit of the Central Union Mission.

Luther H. McMillan was allowed to transfer a license to 1421 G Street NW., I think next door to, or the second door from, the Temple College or school, one of the largest colleges or business schools in the city, against its earnest protest.

Senator THOMPSON. That is a commercial school, is it not?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Is there not another school next door to it—the Success Shorthand School?

Mr. SHOEMAKER. I do not know about that.

Senator THOMPSON. Do you know about how many people attend this school?

Mr. SHOEMAKER. The Temple School has several hundred pupils a day there. The principal of the school protested against the application and testified about the number of pupils at the time.

The CHAIRMAN. Right here, I will ask Mr. Andrew Wilson if he has any knowledge as to whether the Success Shorthand School is next door to this other institution?

Mr. WILSON. It is. It is in one building, and the other is in the other building, and I think the Success Shorthand School is nearer than the Temple School. The Success Shorthand School is in the next building to the McMillan Building, and the Temple School is the one next east of that, farther away from it.

Mr. SHOEMAKER. The second door?

Mr. WILSON. Yes.

The CHAIRMAN. All right; go ahead.

Mr. SHOEMAKER. Frank L. Ash has a wholesale liquor license at 1330 Twenty-eighth Street NW. There are two churches less than 400 feet from the place. The distance I do not seem to have here on this list. This place is in a colored neighborhood, and the license was

granted against the most vigorous protests, one of the most vigorous protests we have had before the board. Four of their churches are near by.

Senator THOMPSON. Four churches?

Mr. SHOEMAKER. Yes; in the immediate neighborhood.

Senator THOMPSON. Colored churches?

Mr. SHOEMAKER. Yes; colored churches. I measured the distance from the wholesale establishment of Eugene T. Lyddane at 1422 Wisconsin Avenue NW. The measurement did not require the crossing of the street, but around a corner to a public school building, and I made the distance 399 feet, measured out the proper distance to where one can comfortably walk, and we walked comfortably to make the measurement, in the yard 20 feet, and then into an entrance of the school building.

Lawrence A. McCormick has a license at 327 Pennsylvania Avenue SE., which is within the prescribed distance from a house of religious worship. The exact distance I have not on this list, but I have it in this book here.

Senator THOMPSON. What church is it?

Mr. SHOEMAKER (after consulting surveying book). It is 322 feet, as I made it, to the Church of the Reformation. The police made the distance 347 feet to the German Church of the Reformation.

Henry S. Byrd and Martin J. Barry have a wholesale license at 521 G Street NW., which is across the street from or near to the Greek Catholic Church, referred to before. That license was transferred there during the last license year.

William Herman has a wholesale license at 1519 Seventeenth Street NW. I measured the distance from that place to the Foundry Methodist Episcopal Church at Fifteenth and Church Streets, and I made the distance to be 369 feet, and I made another measurement, a long measurement, that made it 378 feet, running at right angles across Church Street and then down to the store. I learned since these measurements were made, however, that a fence has been erected, prior to the granting of the license, making the distance greater; how much greater, I do not know. I have not examined it since.

I am reminded that a license was also granted to a Mr. Henry for a wholesale establishment on Pennsylvania Avenue, between Nineteenth and Twentieth Streets, within 400 feet of the Union Methodist Episcopal Church, against the protest of the church and of the Anti-Saloon League.

The CHAIRMAN. Does that conclude that list?

Mr. SHOEMAKER. I think that concludes the list, Mr. Chairman. I was about to say, though, that there are a number of other licenses which have been granted which we think in violation of law, in that they are within 400 feet of houses of religious worship.

The CHAIRMAN. Yes.

Mr. SHOEMAKER. I do not mean regular church buildings with steeples or bells and towers, but buildings that have been occupied for years by missions; by the Salvation Army where more religious services are held than probably at any other regular church in the city.

Senator THOMPSON. Can you give those?

The CHAIRMAN. Will you prepare us a list of those?

Mr. SHOEMAKER. I had better prepare a list of those.

Senator THOMPSON. And show it in detail.

The CHAIRMAN. Yes.

Mr. SHOEMAKER. Those places have been ignored.

Senator THOMPSON. Although protests were made?

Mr. SHOEMAKER. Although protests were made. We protested in practically every instance.

Senator THOMPSON. That was the ground, that they were within 400 feet?

Mr. SHOEMAKER. Yes; we made it our business to make a protest in every such instance, and the minutes of the board should show that those protests were made.

The CHAIRMAN. I have here a list of saloons that are claimed to be on nonbusiness streets, or in residence neighborhoods or districts, wholesale and retail. Will you read that list for the record?

Mr. SHOEMAKER. Yes; it is as follows:

The Anti-Saloon League's careful investigation shows that the following barroom licenses were granted for the license year beginning November 1, 1914, on nonbusiness streets or in residence districts contrary to the evident intent and purpose of the law:

Louise Gordon, 407 Q Street NW.
 Theodore G. Stoner, 206 Seventh Street SW.
 John T. Bronson, 614 Eleventh Street SW.
 Mary A. Solan, 1003 Seventh Street NW.
 Paul Allen, 2 N Street NW.
 Patrick Raftery, 225 Eleventh Street NE.
 Dennis J. O'Donnell, 411 Four-and-a-half Street SW.
 Gustave Brahler, 410 E Street NE.
 Patrick J. Callen, 238 Second Street NW.
 John Morris, 1610 U Street NW.
 Peter Loftus, 329 Thirteen-and-a-half Street NW.
 Augustus Loftus, 302 N Street NW.
 John E. Mergner, 415 East Capitol Street.
 Daniel F. Driscoll, 107 H Street NW.
 John J. Sullivan, 1331 Thirty-fifth Street NW.
 Michael J. O'Donoghue, 701 I Street SW.
 Metropolitan Club, 1700 H Street NW.
 Army and Navy Club, 1627 I Street NW.
 Patrick J. McDonald, 643 Pennsylvania Avenue SE.
 Henry C. Hibbs, 2000 K Street NW.
 Lena Morgenweck, 12 Fourth Street NE.
 Thomas J. Leonard, Anacostia SE.
 University Club, 900 Fifteenth Street NW.
 Anna A. E. Klotz, 1708 G Street NW.
 Patrick O'Donoghue, 908 Fourth Street NW.
 Bridget Leech, 1847 L Street NW.
 Charles W. Edwards, 491 Missouri Avenue NW.
 Daniel Scanlon, 105 H Street, NW.
 Stoneleigh Court, 1019 Connecticut Avenue NW.
 David Cohen, 118 First Street NW.
 Francis X. Cox, 1618 U Street NW.
 John H. Harris, 15 Massachusetts Avenue NW.
 Jeremiah Costello, 521 First Street SW.
 The Portner Apartment House, Fifteenth and U Streets NW.
 Commercial Club, 1634 Eye Street NW.
 Mary Sullivan, 73 Eye Street, SE.
 Daniel Doody, 1312 North Capitol Street.
 Mary E. Frank, 319 G Street NW.
 Elks Club, 919 H Street NW.
 Michael E. Buckley, 2028 M street NW.
 Hotel Gordon, 916 Sixteenth Street NW.
 Congress Hall Hotel, 233 New Jersey Avenue SE.
 Harry Winninger, 631 Pennsylvania Avenue SE.
 John D. Kelliher, 1258 Water Street SW.

Washington Saengerbund (Inc.), 314 C Street, NW.
 Cairo Apartment House, 1615 Q Street NW.
 Capital Park Hotel, North Capitol and E Streets NW.
 Luke J. Kearney, 1811 L Street NW.
 Charles H. Morris, 2029 K Street NW.
 Hugh J. McGinness, 1001 New York Avenue NW.
 Charles Wolf, 1202 Water Street SW.
 George F. Neitzey, 1106 Water Street SW.
 John J. Madden, 401 Four and a half Street SW.
 Charles C. Leavens, corner New Jersey Avenue and C Street SE.
 Walter Spauls, 2012 K Street NW.
 William J. Boyle, 601 Massachusetts Avenue NW.
 Patrick Smyth, 101 D Street SW.
 The Monticello, club, 1301 Fourth Street NW.
 Century Club, 815 Vermont Avenue NW.
 Peter J. Lynagh, 523 Seventh Street SW.

WHOLESALE LICENSES GRANTED ON NONBUSINESS STREETS OR IN RESIDENTIAL
 SECTIONS FOR THE YEAR BEGINNING NOVEMBER 1, 1914.

Margaret Hawkins, 1240 Twenty-second Street NW.
 Alexander S. Clarke, 1820 Eighteenth Street NW.
 Christian Schmidt, 713 Maryland Avenue NE.
 Otto Herzog, 1340 New Hampshire Avenue NW.
 Pauline H. Bresnahan, 1252-1254 Twentieth Street NW.
 Benjamin Kotz, 1005 Sixth Street NE.
 Wm. Muehleisen Co. (Inc.), 916 Fifth Street NW.
 Robert E. Bresnahan, 670 B Street SE.
 Robert E. Smith, 340 Sixth Street SE.
 Julius Albrecht, 1705 Third Street NE.
 Louis J. Cohen, 1400 Fourth Street NW.
 Margaret Kenny, 314 C Street NE.
 Jacob Brenner, 2523 M Street NW.
 Agnes C. Brandes, 1527 Twelfth Street NW.
 Bernard Walls, Eleventh Street and Massachusetts Avenue NE.
 Richard T. Mazinger, 359 M Street SW.
 Henry J. Keough, 343 First Street NE.
 Anna M. Murphy, 1400 Twelfth Street NW.
 George W. Hume, 1018 Eighteenth Street NW.
 John O'Donoghue, 1400 First Street NW.
 Wm. & Maurice Wolf, 2157 K Street NW.
 Patrick Cannon, 1257 Twenty-second Street NW.
 Theodore W. Estler, 1301 C Street SW.
 Otto Ruppert, 1402 Twelfth Street NW.
 The German Brewing Co. (Inc.), 65 I Street SE.

The CHAIRMAN. Have you any comment to make in regard to any of these?

Mr. SHOEMAKER. Yes, Mr. Chairman, I have this comment to make. Some of these places are on blocks where there is 50 per cent or more of the foot frontage used for business purposes. Many of them are on corners, with the frontage used for business purposes, the side streets being wholly residential, and the territory beyond on either side of the street being given up almost entirely to homes of the people.

The CHAIRMAN. As a rule have the people on these residence streets protested against these saloons?

Mr. SHOEMAKER. In many instances; yes, sir. Many of the corners, for instance, on H Street NE., running all the way from Fifteenth Street down to North Capitol Street, are occupied by saloons. There are some business blocks on H Street NE., mostly small community businesses, but on either side of H Street, all the way out, it is built up with homes. The side streets are almost invariably—in fact I do

not know of a single instance in which it is not so—altogether residential.

Senator JONES. I would suggest, Mr. Chairman, that a personal inspection by our committee will clear that up much better than anything Mr. Shoemaker can say.

Mr. SHOEMAKER. Yes.

The CHAIRMAN. I simply wanted to know whether he had any comment to give us in connection with the hearings that were held on these cases.

Senator JONES. Oh, yes; that would be all right.

Senator THOMPSON. Were these matters shown up on hearings for license?

Mr. SHOEMAKER. Yes, sir; in every instance. We called their attention to them. Licenses were granted right next door to homes, which had been protested.

The CHAIRMAN. These are all kinds of saloons, as I understand, wholesale and retail?

Mr. SHOEMAKER. No, sir; this is a list of bars.

The CHAIRMAN. Later on there is a list of wholesale places there?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Have you any comment to make regarding the hearings that were held on this phase of the question, in residence sections?

Mr. SHOEMAKER. In residence sections?

The CHAIRMAN. Yes.

Mr. SHOEMAKER. Yes. The eastern section of the city is very largely residential. H Street NE., and Pennsylvania Avenue SE., contain practically the business in the southeastern section excepting a little on Eleventh and Eighth Streets, near the Marine Barracks. That is, in fact, all of the business in that section of the city except, of course, there is a drug store and maybe a grocery store around in that section here and there. Ninety-nine hundredths, I should say, of the buildings are homes in that section. The people out there felt that the whole section ought to be under the law, and was intended to be free from saloons, and they got up a very vigorous and numerous signed petition addressed to the excise board, asking that for this present license year, at least, that the section be a dry section, where no licenses would be granted. A hearing was given to these protestants, and I do not know how many appeared, but I have a great list of those who appeared at that time; their signatures were given, and they made a protest against the granting of licenses; but the board paid no more attention to it than to say that they would not grant their request.

Senator THOMPSON. Can you give us the estimated number of people who appeared, protesting?

Mr. SHOEMAKER. I suppose there were 100. There were thousands, I believe, who protested against it on the written petitions or protests.

Senator THOMPSON. But several hundred appeared in person?

Mr. SHOEMAKER. No; I will not say many hundred; but I think possibly 200 appeared. I do not know how many; I do not recollect; but there was a very large attendance. The board used the commissioners' board room for the purpose of the hearing, and that room was about filled. Then the citizens of Anacostia had filed a separate petition. It is claimed that their petition against a license

of any kind there represented, by actual signatures secured, at least three-fourths of the adults of that place. Anacostia is situated across the river, and is a community in itself, a home community with but two streets that have any business that amount to anything. The two streets coming together at the bridge contain all the business of Anacostia, and the rest of it is made up of homes, churches, and schools. They had a hearing also, in the board room of the District commissioners, and the room was filled at that time and the board heard them apparently patiently, but that is all it amounted to, unfortunately.

Senator JONES. Were there any petitions presented from persons there asking for the granting of the license?

Mr. SHOEMAKER. I believe not, Senator. There were two or three citizens who appeared in behalf of it, I think. I do not recall any petition at all.

Senator JONES. Two or three citizens; but were there apparently attorneys employed by those desiring licenses?

Mr. SHOEMAKER. I do not recall now that anybody appeared at that general hearing. There were some few who appeared in a hearing for other licenses over there. I have got a little mixed on them. Attorneys appeared for the applicants, however.

The CHAIRMAN. There was a saloon that was located in Anacostia. Was it located in a business block?

Mr. SHOEMAKER. That saloon is on a block where there is sufficient business.

The CHAIRMAN. Then what point do you make in regard to that?

Mr. SHOEMAKER. That the district is residential; that the section is residential.

The CHAIRMAN. Under the law the board is not required to take the district into consideration, is it?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. But merely the residence character of the block?

Mr. SHOEMAKER. As I understand it, they are to take the section into consideration. If the chairman will read the section, if he has not already read it, he will see that that reference is made there.

The CHAIRMAN. Can you put your hand on it.

Mr. SHOEMAKER. It is section 1, page 2, I think.

The CHAIRMAN. Let me read that section now. It is at the top of page 4. It is a part of paragraph 2, and reads as follows:

Hereafter no license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for license whether the location where the barroom is to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is hereby authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section: *Provided*, That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than fifty per centum of the foot frontage, not including saloons or hotels and clubs having barroom licenses under this section, is used for business purposes; nor shall intoxicating liquors be sold at wholesale outside of the business district as above provided.

Senator THOMPSON. You admit, then, that it comes within that proviso there?

Mr. SHOEMAKER. I admit that there is enough business there; that that proviso is all right. I mean that it does come within the proviso.

Senator JONES. The proviso is simply a limitation on the power of the excise board in determining what is a business section of the District. That is, they are given the broad power, first, to determine whether a section or district is a business section or district?

Mr. SHOEMAKER. Yes.

Senator JONES. And then, in order still further to limit their power relative to a business section, they are absolutely prohibited from granting a license unless 50 per cent of the frontage is occupied for business purposes?

Mr. SHOEMAKER. That is my view of it, exactly, and the same view that I have preferred time and again before the board, that even in a business section if there should be a block—

Senator JONES. You mean in a residence section?

Mr. SHOEMAKER. No; I mean this, that under that provision if in a business section there should be one side of a block given over to homes, then the board would be prohibited from granting a license under that proviso.

Senator JONES. Yes.

The CHAIRMAN. But the intent of the law is that in a district that is almost wholly residential, that is, in a district that is practically residential, there shall be no saloons licensed, although a small section of the district may be devoted to business?

Mr. SHOEMAKER. Yes, and a block here and there—a side of a block.

The CHAIRMAN. I see.

Mr. SHOEMAKER. It would be prohibited because the general section immediately around is largely residential.

The CHAIRMAN. Yes.

Mr. SHOEMAKER. And it provides simply a limitation in a business section more particularly.

Senator JONES. How many saloons are over in the Anacostia section?

Mr. SHOEMAKER. Only one saloon and one wholesale place.

Senator JONES. Is the wholesale place among business houses?

Mr. SHOEMAKER. I can not remember that definitely. I never saw that particular place, Senator.

Senator JONES. The reason I asked is that I got the impression from somebody that there was a saloon license or a wholesale license granted in Anacostia in a section or a block where it would be prohibited by that proviso, even. I wanted to know whether I was right about that.

Senator THOMPSON. That it was not even on a business street?

Senator JONES. Yes.

Mr. SHOEMAKER. I am not sure. I can not answer that question, but I will find out about it.

Senator JONES. The chairman covered this awhile ago, but I want to ask Mr. Shoemaker about it. Do you know anything about the placing of saloons within a thousand feet of the Marine Barracks, the navy yard, the War College, and so forth?

Mr. SHOEMAKER. Yes. I have not any idea at all that the board has granted any licenses within those restricted districts.

Senator JONES. You think there has been no violation of law in that way?

Mr. SHOEMAKER. No, sir.

Senator JONES. That is all right, then.

The CHAIRMAN. Here I have a list of saloons that it is claimed are operated within 300 feet of an alley or slum. Did the board exceed its authority or violate its authority in granting licenses to those saloons?

Mr. SHOEMAKER. No; I think not, Mr. Chairman. The law permits the board, if they act unanimously, to grant licenses within 300 feet of alleys.

The CHAIRMAN. It allows them to do that?

Mr. SHOEMAKER. Yes; the law allows the board to grant licenses for saloons within 300 feet of alleys.

The CHAIRMAN. One member, however, can prohibit the granting of a license for a place within 300 feet of an inhabited alley or slum?

Mr. SHOEMAKER. We urged these alleys as a reason against the granting of these licenses if they were within the prescribed limit.

The CHAIRMAN. The board has acted, then, with unanimity as to every application that has been made for a license for a saloon within 300 feet of an alley or slum?

Mr. SHOEMAKER. They have acted with unanimity.

The CHAIRMAN. In every case. That is the reason I say they have all acted together on every case since they have been constituted a board. Is the case of Frank Hall an exception?

Mr. SHOEMAKER. No; the record shows that three of the board voted to reject Frank Hall's case.

The CHAIRMAN. I know; but was his case rejected on the ground that he was within 300 feet of an alley or slum?

Mr. SHOEMAKER. I could not state that. We urged the alley against it, and they tried to show that the inhabitants in the alley had moved out prior to the rejection of the license. Whether they did or not, I do not know.

The CHAIRMAN. I have here a list of 28 saloons that are claimed to be within 300 feet of inhabited alleys. I think you provided me with that list.

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. Will you identify the list so that I can insert it in the record?

Mr. SHOEMAKER. Yes, sir; this is the list.

(The list referred to is as follows:)

The following barrooms were licensed for the year beginning November 1, 1914, within 300 feet of inhabited alleys:

John P. Sheehan, 701 North Capitol Street.

Michael McInerney, 1226 Seventh Street NW.

Terence Fegan, 930 Fourth Street NW.

Leopold Birkle, 1245 H Street NE.

Jeremiah O'Connor, 115 Four and a-half Street NW.

Wm. E. O'Connor, 234 Four and a-half Street SW.

Michael J. Lynch, 350 Pennsylvania Avenue NW.

Wm. Doyle, 1218 Wisconsin Avenue NW.

George P. Harrigan, 729 Ninth Street SW.

James O'Connor, 1429 North Capitol Street.

George W. Hall, 927 Four-and-a-half Street SW.

Wm. Harlan, 1235 Seventh Street NW.

Stephen Chaconas, 468 Pennsylvania Avenue NW.

Daniel J. Alman, 244 Fourteenth Street SW.
 Patrick J. Neligan, 1908 Fourteenth Street NW.
 John M. Trant, 629 Four-and-a-half Street SW.
 Gregor Kramm, 224 Fourteenth Street SW.
 Minnie E. Costello, 45 H Street NE.
 John E. Bonini, 729 North Capitol Street.
 Kate H. Welch, 248 Third Street SW.
 Maurice Geney, 615 Seventh Street SW.
 Patrick J. Bligh, 235 Four-and-a-half Street SW.
 Patrick J. Daly, 626 Four-and-a-half Street SW.
 Francis J. Stanton, 1205 Wisconsin Avenue.
 Michael T. Greene, 639 D Street SW.
 Wm. J. O'Leary, 733 North Capitol Street.
 Wm. T. Babbington, 34 H Street NE.
 Thomas Cannon, 1358 H Street NE.

The CHAIRMAN. It is a fact, then, is it, that no one member of the board has taken it upon himself to object to giving license to a saloon upon the ground that it is within 300 feet of an alley or slum?

Mr. SHOEMAKER. I can answer that by saying that all the licenses that they have granted were by unanimous vote of the board.

The CHAIRMAN. Any one member of the board could have stopped a license to any one of these saloons here that was within 300 feet of an alley or slum on the ground that it was within 300 feet?

Mr. SHOEMAKER. That is true.

The CHAIRMAN. But it is evident that no member of the board has taken advantage of that objection to decline a license?

Mr. SHOEMAKER. Well, now, I will not say that the board has not—that some member of the board has not—objected to the granting of licenses on the ground of proximity to alleys. I rather think they have in some instances where the alleys have operated to prevent the granting of licenses.

Senator THOMPSON. He is asking you about this list.

The CHAIRMAN. I am asking about this particular list, which is a list of places within 300 feet of an alley. If any member of the board had objected on that ground, they could not have gotten licenses?

Mr. SHOEMAKER. No; they could not have gotten licenses; except I want to say this about that list. After our lists were filed, before hearings, calling attention to the alleys in close proximity to saloons, there were some changes in some of these slum alleys. For instance, there may have been four or five families or three families in an alley, and the houses were bought up or leased by the licensee and the inhabitants were moved out, whether temporarily or permanently we do not know, and at the hearing, when the police report was read, it was shown there was an alley within 300 feet, with so many inhabitants in it, and when our evidence was offered that there was an alley there within so many feet, and so many people living in it, or so many homes in it, then the other side would get up and say "There is nobody in that alley at all." "When did they get out?" "They went out last week."

The CHAIRMAN. That was after you had filed your objections?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. And before the board passed upon this matter?

Mr. SHOEMAKER. Yes; and at the hearings. So that that list, Mr. Chairman, may contain some alleys where there is nobody living at the present time. I will not say about that, but I wanted to put that in, so as to be fair about it.

The CHAIRMAN. What are some of the more notorious alleys that have saloons within 300 feet of them?

Mr. SHOEMAKER. Jackson Alley, down at G and H Streets and North Capitol Street.

The CHAIRMAN. Do you know what saloon, if any, are located within 300 feet of Jackson Alley?

Mr. SHOEMAKER. Yes; I can tell you. Bonini's saloon is one.

The CHAIRMAN. That is No. 729 North Capitol Street?

Mr. SHOEMAKER. Yes; and there are two others on that same side of the block on North Capitol Street.

The CHAIRMAN. Did you object to licenses for these places on account of the notorious character of Jackson Alley?

Mr. SHOEMAKER. We did; yes, sir.

The CHAIRMAN. Did you present evidence showing the disreputable nature of the alley?

Mr. SHOEMAKER. The police report showed that it was inhabited by the lower class of colored people.

The CHAIRMAN. What did it show took place in that alley?

Mr. SHOEMAKER. I went and asked the board to examine that alley.

The CHAIRMAN. Do you know what developed in regard to the alley further?

Mr. SHOEMAKER. Nothing further about it. It was simply of that character.

The CHAIRMAN. Were there any dives or disreputable places in the alley?

Mr. SHOEMAKER. It is a place that causes the police a good deal of trouble. It has several entrances to it. It comes out on H Street and on North Capitol Street, and also comes out on G Street, and it has been regarded as one of the worst alleys in town.

Senator JONES. Do you know how many people live in it?

Mr. SHOEMAKER. I can not recall, Senator, but it is one of the largest alleys in the city.

Senator JONES. Several hundred people?

Mr. SHOEMAKER. Yes; I should say several hundred.

Senator JONES. How many saloons are within 300 feet of that alley?

Mr. SHOEMAKER. I should say 8 or 10.

Senator JONES. Eight or ten saloons?

Mr. SHOEMAKER. Yes.

Senator JONES. What is your idea in reference to the action of the board in granting those licenses?

Mr. SHOEMAKER. My own judgment is, and I urged it before the board, that the character of that alley was such that the discretion given to them under the law should be exercised and those licenses refused. Some of them are right at the mouth of the alley.

Senator JONES. The saloons were apparently put there for the purpose of getting the alley trade?

Mr. SHOEMAKER. Yes; especially those around on H Street and on G Street.

The CHAIRMAN. What do you know about Wileys Court NE.?

Mr. SHOEMAKER. Wileys Court has a bad police reputation. It is located on H Street, between Twelfth and Thirteenth Streets. I have been in that alley and it is occupied almost entirely, in fact

entirely, by colored people, and my attention has been called a number of times to fights and brawls and carousing and drinking there.

The CHAIRMAN. How many saloons are there within 300 feet of Wileys Court? Just answer in a general way.

Mr. SHOEMAKER. I think there are three. There are two or three.

The CHAIRMAN. Have you the names of the licensees at hand?

Mr. SHOEMAKER. Leopold Birkle is one.

The CHAIRMAN. At 1245 H Street NE.?

Mr. SHOEMAKER. At 1245 H Street NE. I measured that distance.

The CHAIRMAN. Yes.

Mr. SHOEMAKER. And I think Patrick Gannon's saloon is one of them there in the square above, on H Street.

The CHAIRMAN. I do not see that. That will be sufficient for present purposes. Those and one or two others, you say?

Mr. SHOEMAKER. I have it all in this book. With just a little time I can look it up.

The CHAIRMAN. It is sufficient for you to say that that and one or two others are within 300 feet of that court. What do you know about Snows Court?

Mr. SHOEMAKER. Snows Court is familiar to me only by reputation. I do not recall ever having been in Snows Court.

Senator THOMPSON. Where is that?

Mr. SHOEMAKER. It is northwest, around the gas house section, I believe.

The CHAIRMAN. Are there some saloons within 300 feet of that court?

Mr. SHOEMAKER. I understand there are some.

The CHAIRMAN. You might give us the name of one, if you can find it.

Mr. SHOEMAKER. I should like to ask permission to put this in evidence.

The CHAIRMAN. Very well; put it in the record when you find it.

Senator JONES. If there are any alleys within 300 feet of which there should not be saloons, are they not these to which the chairman has called your attention?

Mr. SHOEMAKER. Yes, but there are some more.

Senator JONES. Yes; but these have the worst reputation of any alleys in the city, have they not?

Mr. SHOEMAKER. Yes.

Senator JONES. And if there is any discretion vested in the board which could have been exercised, it should have been exercised in connection with these places?

Mr. SHOEMAKER. Yes; there are some alleys in the southwest.

The CHAIRMAN. Do you know of any instance where the board has refused a license on the ground that a saloon was within 300 feet of a slum or alley?

Mr. SHOEMAKER. Mr. Chairman, I do not, because the board never gave their reasons why they rejected an application, and generally when there was an alley in any case, there were other things that operated against it, and in no instance can I recall where the board said in so many words that they refused the license because of the close proximity to an alley.

The CHAIRMAN. Is there anything anywhere requiring the board to license the full number of 300 saloons in the District of Columbia?

Mr. SHOEMAKER. Absolutely nothing in the law; but the liquor men have contended continuously that the law meant that there must be 300, and the statement made from time to time; and especially when the transfers were made the last license year, statements were dropped from time to time to the effect that the intention of the law was that there should be 300 saloons.

The CHAIRMAN. I want to insert here the exact language of the law. Do you know about where it is?

Senator JONES. It is part of paragraph 2, on page 4, and reads:

In the issuing of licenses for barrooms it shall be the duty of the excise board to adopt such a policy as will reduce the number of barrooms, including those in hotels and clubs, to not exceeding three hundred by November first, nineteen hundred and fourteen.

The CHAIRMAN. So that there is no prohibition there against their reducing the number of licenses down to 50, or to 1?

Mr. SHOEMAKER. Absolutely nothing, and I had occasion to urge that upon them many times—that the law provides that there should not be more than 300, but under that there may be just as few as they choose to make it.

Senator THOMPSON. Did the board ever make any expression regarding that feature when it was being presented?

Mr. SHOEMAKER. No; except that they took that provision to mean that there must be 300 licenses.

Senator JONES. Did you ever ask them to call on the corporation counsel for an opinion with regard to the meaning of that language?

Mr. SHOEMAKER. I never did, in that particular matter.

Senator JONES. Do you know whether or not they ever did call on him for any opinion?

Mr. SHOEMAKER. I have no information about it, but I am quite sure they did not.

The CHAIRMAN. What do you say regarding the contention that if a saloon is improperly authorized it can be discontinued by the proper legal proceeding?

Mr. SHOEMAKER. My opinion is that it can be.

The CHAIRMAN. Then why is it that these saloons that are not properly authorized have not been proceeded against in the courts?

Mr. SHOEMAKER. I will state, Mr. Chairman, that immediately after these licenses were granted against which we had these legal objections, we took steps to bring prosecutions. We knew that if we brought them ourselves or through citizens directly, these cases would finally go to the Court of Appeals and there would be a long, tedious proceeding, and feeling that we had the sympathy of some of the District officials, we went to them and asked that they, the District, bring the prosecutions, and the corporation counsel agreed to do it and directed one of his assistants to proceed with the prosecutions of all these saloons against which there are legal objections, on the ground of their being too close to churches or schools, being within a residence district, being four on one side of a block, and any other case where a license was granted contrary to law. That was quite a while ago now, and since that time we have been trying to get those cases tried, and are ready to cooperate at any time and furnish all the information, and as far as we have gotten was to get the corporation counsel's office, through the commissioners, to instruct the District surveyor to make measurements; and when your own

request, Mr. Chairman, came to the District surveyor, he had already under consideration making these measurements. There was some difference of opinion between his office and the corporation counsel's office as to how they should be made, and that was holding him up. The excuse given by the attorney having these matters in charge is that he has been so busy with other cases in court that he has not had time to take them up.

The CHAIRMAN. You say you felt that if you undertook it individually or as an organization it would be long drawn out and expensive?

Mr. SHOEMAKER. It would be an expensive procedure, and we want to bring a number of cases, and we felt there was no reason why the District, if licenses were illegally granted, should not test them out in the court.

Senator JONES. You could not bring criminal cases, anyhow, could you?

Mr. SHOEMAKER. Yes; but citizens could go and swear out informations under the law, and the corporation counsel would have to accept them.

Senator JONES. Why have you not done that in reference to some of these licenses granted in residence sections?

Mr. SHOEMAKER. Well we felt that we did not want to do it without we had the cooperation and sympathy of the prosecuting authorities. In the crush of business in the police court they would not be fairly handled, and we felt that it would be better to have the attorney that had been assigned to these cases give his time to it. We had confidence in him that he would do it right, preferring him to some others.

Senator JONES. Do you hold that under the law a licensee in a residence district is free from prosecution because he has a license?

Mr. SHOEMAKER. No.

Senator JONES. You hold that under the law, notwithstanding he has a license, he can be prosecuted for selling liquor illegally?

Mr. SHOEMAKER. If the license is granted in violation of law it is null and void, and no license at all.

Senator JONES. There are some of these cases, apparently, so clear that a prosecutor would have very little to do in establishing his case if complaints were made; is not that true?

Mr. SHOEMAKER. It is simply a question of law, as we understand it, Senator.

Senator JONES. Did you think that the law officers of the District would not be in favor of pressing the correct construction of the law?

Mr. SHOEMAKER. Well, no, I would not say that; but the young man who prosecutes in the police court has a very busy life of it there, and when I first took the matter up with him he preferred to talk to the corporation counsel himself about it, and I was to meet him there with the corporation counsel, and when I arrived at the corporation counsel's office he had been there and gone. I understood that he had told the corporation counsel that he did not care to handle the cases.

Senator JONES. He told you that?

Mr. SHOEMAKER. That is what I gathered from the corporation counsel himself.

Senator JONES. Then why did not you and the corporation counsel take it up?

Mr. SHOEMAKER. Then I took it up with the corporation counsel, and he called another assistant in, and in my presence directed him to take these cases into court, and take them to the court of appeals if necessary.

Senator JONES. Well, what was done?

Mr. SHOEMAKER. Nothing has been done except to ask the surveyor to make the measurements in the case of churches and schools.

Senator JONES. Have you made any complaint to them about these licenses in residence districts?

Mr. SHOEMAKER. Yes, sir.

Senator JONES. There is no measurement required there? What have they done?

Mr. SHOEMAKER. They have done nothing about it. I have taken up with them all these legal objections to granting these licenses, with the view to prosecutions.

Senator JONES. When do you expect that that office down there will have time to take these things up?

Mr. SHOEMAKER. Well, every week it is next week. I have not seen them this week.

Senator JONES. How long is it since they commenced saying that it would be next week?

Mr. SHOEMAKER. Oh, it has been two months.

Senator JONES. Mr. Chairman, I want to read into the record paragraph 12 of this law. It is as follows:

PAR. 12. That any person, company, copartnership, corporation, club, or association manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing any intoxicating liquors in the District of Columbia, without first having obtained a license as herein provided, or shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, or give away intoxicating liquors in any part, section, or district of the District of Columbia wherein the same is prohibited by law, upon conviction thereof shall be fined not less than \$250 nor more than \$800, and in default in the payment of such fine be imprisoned in the District jail or workhouse for not less than two months nor more than six months; and upon every subsequent conviction for such offense shall, in addition to the penalty named, to wit, a fine of not less than \$250 nor more than \$800, be imprisoned in the workhouse of the District of Columbia not less than three months nor more than one year.

Under that section one or two prosecutions would stop these sales in residence districts. I think that they would not have to do anything more than make one or two prosecutions in order to stop them.

Mr. SHOEMAKER. I want to say that it is a very difficult matter to get convictions in the police court in the District, due partly to the system of the two courts—the United States court and the District court. The jurors are hard to get hold of. The District has a hard time to get the use of the jurors. The defendants demand jury trials in all these cases, and it is not an easy matter to get convictions. I am not especially hopeful about it.

The CHAIRMAN. Speaking of saloons in residence districts, is it not a fact that the board has deliberately held that Congress did not intend this provision to apply to hotels and clubs in the residence districts?

Mr. SHOEMAKER. The board has adopted a rule to that effect.

The CHAIRMAN. So that, although the plain letter of the law is that no saloon shall be established in a residence district, without regard to

whether it is in a club or a hotel or in a private house, the board holds that clubs and hotels may have licensed bars in residence districts?

Mr. SHOEMAKER. Absolutely.

The CHAIRMAN. I have here a list of clubs that are running saloons in residence districts, which is as follows:

1. Army and Navy, 1627 I Street NW.
2. Commercial, 1634 I Street NW.
3. Century, 815 Vermont Avenue NW.
4. Cosmos, 1520 H Street NW.
5. Eagle, 601 E Street NW.
6. Elks, 919 H Street NW.
7. Jolly Fat Men's, 933 D Street NW.
8. Metropolitan, 1700 H Street NW.
9. Monticello, 1301 Fourth Street NW.
10. National Press, 1420 G Street NW.
11. University, 900 Fifteenth Street NW.
12. Washington Saengerbund, 314 C Street NW

I will ask you if that list is correct?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. As a matter of fact, they are all subject to punishment under this section just quoted by Senator Jones?

Mr. SHOEMAKER. That is my opinion.

Senator THOMPSON. Has that matter ever been brought to the attention of the board, of the granting of licenses to clubs in residence sections?

Mr. SHOEMAKER. Yes; we opposed them in the same way.

The CHAIRMAN. You resisted the granting of those licenses on the ground that they were in residence districts?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. And also you resisted the granting of licenses to some hotels on the ground that they were in residence districts?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. What were those? Is the Bellevue one of them?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Is the Cairo another?

Mr. SHOEMAKER. The Cairo is another.

The CHAIRMAN. Is the Powhatan another?

Mr. SHOEMAKER. No; I think not.

The CHAIRMAN. Do you recall if the Gordon is another—the Gordon, on Sixteenth and H Streets?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. How about the Grafton?

Mr. SHOEMAKER. The Grafton; yes.

The CHAIRMAN. The Grafton is in a residence district?

Mr. SHOEMAKER. I think so.

The CHAIRMAN. Is the Varnum another?

Mr. SHOEMAKER. Yes; I think the Varnum is in a nonbusiness section.

The CHAIRMAN. Is the Congress Hall Hotel another?

Mr. SHOEMAKER. Yes, sir.

Senator JONES. Did the board ever express a view with reference to these residence sections that the chairman has just called your attention to, and these licenses in those sections?

Mr. SHOEMAKER. Yes; we have talked about that on more than one occasion.

The CHAIRMAN. As to both hotels and clubs?

Mr. SHOEMAKER. Yes; hotels and clubs.

The CHAIRMAN. To the granting of all of those licenses you objected, and against them you protested?

Mr. SHOEMAKER. Yes; we protested. In every instance, as I recall it, we made it a business to do that.

Senator JONES. What reasons did they give?

Mr. SHOEMAKER. That Congress never intended to deny licenses to hotels and clubs; that it was an oversight on the part of Congress, and that they would supply the omission.

Senator JONES. Oh, that they would legislate?

Mr. SHOEMAKER. Yes.

Senator JONES. A sort of an annex to Congress?

Mr. SHOEMAKER. Yes.

(At 1.05 o'clock p. m. the committee took a recess until 3 o'clock p. m.)

AFTERNOON SESSION.

The special committee met, pursuant to the taking of the recess, at 3 o'clock p. m.

Present: Senators Sheppard (chairman), Thompson, and Jones.

TESTIMONY OF ALBERT E. SHOEMAKER—Resumed.

Mr. SHOEMAKER. Mr. Chairman, perhaps I had better touch on those rules.

The CHAIRMAN. Do you mean the changes in the law?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. I believe a letter that you wrote on the subject was read on yesterday by Mr. Wilson.

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Do you wish to comment on that letter, or have you other variations from the rules besides those mentioned in the letter to comment on?

Mr. SHOEMAKER. There are one or two others, I think.

The CHAIRMAN. Here is that letter, for your guidance, in the record of yesterday. I will ask you to just discuss those changes in your own way.

Mr. SHOEMAKER. The first one we objected to was the one in reference to the granting of licenses for barrooms to be located in hotels with less than 50 bedrooms. That rule has permitted the excise board to grant licenses to a number of hotels with less than 50 bedrooms.

Senator JONES. What is the rule?

Mr. SHOEMAKER. The rule is that no license shall be issued to a hotel, as such, having less than 50 bedrooms for guests. The words "as such" are supplied by the board.

Senator JONES. What is their significance?

Mr. WILSON. The significance of those words is that a barroom license is issued to a hotel of less than 50 rooms, which gives it all the privileges of a barroom in a hotel with more than 50 rooms, with the possible exception of serving liquors in the bedrooms, and we feel that that change in the law, or attempted change in the law, by the excise board, has operated to defeat a very important feature of the act.

Senator JONES. Can you give any instances where licenses have been granted under that provision, that you contend are really granted contrary to law?

Mr. SHOEMAKER. Yes; there are several hotels. I presented a list the other day. I do not know whether the chairman has it or not.

The CHAIRMAN. Here it is.

Mr. SHOEMAKER. I understand that George J. Bessler is running a hotel at 922 Pennsylvania Avenue NW., and that J. H. De Atley is maintaining a hotel at 1222 Pennsylvania Avenue NW.

Senator JONES. Do you know the names of those hotels?

Mr. SHOEMAKER. The De Atley Hotel and Bessler's.

Senator THOMPSON. They are known by those names, are they?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. What kind of a license have they?

Mr. SHOEMAKER. They have restaurant licenses.

Senator JONES. Restaurant licenses?

Mr. SHOEMAKER. Yes; they are designated by the board as restaurants.

Senator JONES. And they run their places as hotels?

Mr. SHOEMAKER. But they are actually hotels, and I should like to have the privilege of putting in the record in connection with this, the fact that these licensees have hotel licenses from the District authorities.

Then there is the Harvey Co., incorporated.

Senator THOMPSON. Is a restaurant license the same as a saloon license? Is it a license to sell liquor?

Mr. SHOEMAKER. No; under our law restaurants have the privilege of selling liquor to women, and the law further provides that they may not maintain restaurants and have barroom licenses except the board designate them as restaurants.

Senator THOMPSON. For instance, take Geyer's, where there is both a saloon and a restaurant. What kind of a license have they there?

Mr. SHOEMAKER. That is a restaurant having a barroom license.

Senator THOMPSON. There is no difference in the charge?

Mr. SHOEMAKER. There is no difference. The license fee is the same.

Senator THOMPSON. And that is the same kind of license that is issued to each of these hotels, is it; as restaurants having barroom licenses?

Mr. SHOEMAKER. A restaurant having a barroom license. We have the two classes of licenses only—barroom and wholesale.

Senator THOMPSON. These hotels have less than 50 rooms?

Mr. SHOEMAKER. Less than 50 bedrooms.

Senator JONES. I want to call the Senator's attention to the fact that there is an express prohibition against issuing a license to a hotel with less than 50 rooms, but they frequently get around that by issuing a restaurant license, and they put in the rule the language, as Mr. Shoemaker mentioned a moment ago, hotels "as such."

Mr. SHOEMAKER. Charles Mades's place, 300 Pennsylvania Avenue NW., is licensed as a restaurant. Henry M. Marks's, 1000 E Street NW., has a license for a restaurant. John M. Perrard, 513 Thirteenth Street NW., has a license for a restaurant.

Senator JONES. That is, you mean they have barroom licenses as restaurants?

Mr. SHOEMAKER. Yes, sir.

Senator THOMPSON. They can run a barroom and have a restaurant in connection with it; is that it?

Mr. SHOEMAKER. And they run as hotels as well.

Senator THOMPSON. When you say "restaurant license," that means that they can have a barroom and then serve to a restaurant on the side?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. But the objection you make is that they are serving in the hotel?

Mr. SHOEMAKER. A hotel with less than 50 rooms. The law prohibits a hotel with less than 50 rooms from having a barroom license at all.

Senator THOMPSON. When it comes to determining the number of saloons you have on a street, do they count those restaurant licenses or not?

Mr. SHOEMAKER. I think they do. They count them as making up the number, but hotels are not counted.

Senator THOMPSON. But hotels are not counted?

Mr. SHOEMAKER. No, sir. In other words, the hotel has nothing to do with the number on a street.

Senator THOMPSON. That is a provision of the law itself, is it not?

Mr. SHOEMAKER. Yes. Joseph Schladt has a barroom at No. 1238 Wisconsin Avenue. He is designated as having a restaurant, and he maintains a hotel with less than 50 bedrooms.

The CHAIRMAN. Are there any more?

Mr. SHOEMAKER. Gustave Buchholz has a license for a hotel at No. 1411 Pennsylvania Avenue NW. That is designated by the excise board as a restaurant, and it has a barroom license.

Senator JONES. Do you know whether or not he has a hotel license?

Mr. SHOEMAKER. Yes; I am quite sure he has. I have not examined the records, but it is known as the Occidental Hotel. There are probably some others, similar, which have hotel licenses and are designated as restaurants and are granted barroom licenses, but I am unable to designate them at this time.

The CHAIRMAN. How many are there with less than 50 bedrooms that have barroom licenses?

Mr. SHOEMAKER. Eight, I think.

The CHAIRMAN. Does that list include the Occidental Hotel?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Not by name?

Mr. SHOEMAKER. It is licensed in the name of Gustave Buchholz, 1411 Pennsylvania Avenue, and is known as the Occidental Hotel. I also, Mr. Chairman, might give the hotels that were licensed as hotels during the last year?

The CHAIRMAN. Yes.

Mr. SHOEMAKER. And also those places that are licensed as clubs. They are here.

The CHAIRMAN. I called those out this morning.

Mr. SHOEMAKER. I know that you called the clubs, but not the hotels.

The CHAIRMAN. No, not the hotels. Please give a list of the hotels in Washington that have barroom licenses, which have more than 50 bedrooms?

Mr. SHOEMAKER. The Bellevue, at Fifteenth and H Streets NW.

The Commercial Hotel, 640 Pennsylvania Avenue NW.

The Charles Hotel, 485 Pennsylvania Avenue NW.

The Columbia Hotel Co.; that is the Raleigh Hotel, licensed by the Columbia Hotel Co.

The Cochran, at Fourteenth and K Streets NW.

Congress Hall Hotel, 253 New Jersey Avenue SE.

The Cairo Apartment House, 1615 Q Street NW.

The Capitol Park Hotel, North Capitol Street east.

The Continental Hotel.

The Piedmont, 491 Missouri Avenue NW.

The Ebbitt House, Fourteenth and F Streets NW.

The Grafton, 1139 Connecticut Avenue NW.

The Grand Hotel, 1426 Pennsylvania Avenue NW.

The Gordon Hotel, 918 Sixteenth Street NW.

The hotel at 432 Eleventh Street NW. (I do not know what the name of it is), licensed by the Harrington Hotel Co.

The Harris Hotel, 15 Massachusetts Avenue NW.

The National Hotel, Pennsylvania Avenue and Sixth Street NW.

The Powhatan Hotel, Pennsylvania Avenue and Eighteenth Street NW.

The St. James Hotel, Pennsylvania Avenue and Sixth Street NW.

The Metropolitan Hotel, Pennsylvania Avenue and Sixth Street NW.

The Shoreham Hotel, Fifteenth and H Streets NW.

The Sterling Hotel.

The Summit Hotel, 1249 Seventh Street NW.

The Tremont Hotel, 304 Second Street NW.

The Hotel Tyson, 1503 Seventh Street NW.

The Vendome Hotel, 301 Pennsylvania Avenue NW.

The Varnum Hotel, New Jersey Avenue and C Streets SE.

The New Willard Hotel, Fourteenth and Pennsylvania Avenue NW.

The CHAIRMAN. I believe it has been brought up there are a number of these hotels with barroom licenses in residence districts?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. What have you to say with reference to the barroom in the Grand Hotel?

Senator THOMPSON. There are more than 50 rooms in the Grand Hotel?

Mr. SHOEMAKER. Yes; that is a large one. A little more than two years ago Edward J. Gardner was the proprietor of the Grand Hotel, located at the corner of Fifteenth and Pennsylvania Avenue. He had a barroom in connection with his hotel, and he maintained a beer garden in connection with the bar, in the basement. This beer garden was frequented by many women, and about that time he was arrested, charged with selling or furnishing liquor to a young girl, a minor. He was convicted in the police court of dispensing liquor, but not selling it. There were two counts, one charging him with selling and the other with dispensing. Under the law at that time his conviction for selling or dispensing to a minor carried with it the penalty of revocation of license. He was convicted of dis-

pensing liquor, and the police court judge held that did not carry with it the penalty of revocation of his license. The case was carried to the court of appeals, and the court of appeals reversed the lower court and held that the purpose of the law was to prevent minors from getting liquor. It did not make any difference whether it was dispensed or sold, and upon that ruling the excise board was required to revoke the license, and the license was revoked. That was the old board, though, under the old law.

The CHAIRMAN. Do you remember the date of that revocation?

Mr. SHOEMAKER. I do not, Senator. I intended to look that up, but have not done it.

The CHAIRMAN. At any rate, it was before the present board went into office?

Mr. SHOEMAKER. It was before the present board came into office, and before this present law went into effect. Mr. Gardner immediately—or shortly after that—formed a corporation and applied for a license for the Grand Hotel. He appeared as the manager and treasurer of the corporation, and had a majority of the stock, which gave him control. The license was granted to him, the board stating at that time that under the law they could not deny the license; that a hotel should always have a license; that it had a right under the law to a license. That provision was in the old law.

The CHAIRMAN. This was still the old board?

Mr. SHOEMAKER. Yes; the old board. When the new board came in, the Grand Hotel Co. was cited to show cause why their license should not be refused for the year beginning November 1, 1913.

The CHAIRMAN. Cited by whom?

Mr. SHOEMAKER. By the new excise board, of which Mr. Sheehy was chairman.

The CHAIRMAN. On whose motion; on the motion of the board itself?

Mr. SHOEMAKER. I think there was objection made, some protest or police report or something was filed against it, and I think the board issued a rule to show cause, and we had an extensive hearing at that time. The testimony showed the character of the place, and we urged that the license should be refused, and we cited the history of the whole case, and contended that under the new law a hotel could be deprived of a license just as any ordinary barroom could be. The board, however, granted a license to the Grand Hotel for the year beginning November 1, 1913.

Senator THOMPSON. This same man Gardner was at the head of it?

Mr. SHOEMAKER. This same man Gardner is the manager and treasurer.

The CHAIRMAN. And the proprietor of the hotel?

Mr. SHOEMAKER. The proprietor of the hotel.

The CHAIRMAN. The same Gardner, I understand, is a lessee of the United States Government?

Mr. SHOEMAKER. Yes; the property is owned by the United States Government and is leased or rented by the month.

The CHAIRMAN. To Mr. Gardner?

Mr. SHOEMAKER. To Mr. Gardner—or to the Grand Hotel Co., I suppose, now. The company made application for renewal of license for the year beginning November 1, 1914, and upon that application the police made an adverse report. This report is made

by Capt. J. L. Sprinkle, then acting captain of the first precinct, in which this place is located.

The CHAIRMAN. At whose instance did the police make a report on this case?

Mr. SHOEMAKER. At the instance of the excise board. The excise board referred all cases to the police for report.

The CHAIRMAN. That is, all renewal cases?

Mr. SHOEMAKER. Yes; all renewal cases.

The CHAIRMAN. Do they refer to the police original applications for license?

Mr. SHOEMAKER. Yes. There is a special blank used. I think the blank you have is printed by the police department; and these blanks are filled out by the captain of police. They answer various questions in regard to the conduct of the place, and the location, etc. I think I had better say, however, that this new blank was provided by the present excise board. The report I have here.

Senator THOMPSON. What is the date of this report?

Mr. SHOEMAKER. August 23, 1914. The report says:

The manager, Edward L. Gardner, conducts a garden in the basement of this hotel where they have music and singing. Dancing allowed on the platform set aside for that purpose. This is a resort for streetwalkers and women of questionable character, and as a result is a meeting place for men and women. In my opinion these conditions are objectionable in connection with a bar, and should be eliminated.

J. L. SPRINKLE,

Acting Captain, First Precinct.

This report was called to the attention of the board at the hearing upon the application for renewal, and the police, who knew of the conditions at the hotel, or some of them at least, were before the board at our request, and testified as to it, substantiating quite fully the report of the captain. Prior to the granting of the license I had called the attention of the Secretary of the Treasury to this report, and then inclosed him a copy of it. They kindly acknowledged it and suggested that the matter be presented to the excise board, and that the board would handle it.

I think that is all, Mr. Chairman, in reference to the Grand Hotel, unless there is something else you wish to ask.

The CHAIRMAN. They renewed the license of the Grand Hotel in spite of this report on the part of the police, did they?

Mr. SHOEMAKER. They renewed the license of the Grand Hotel, and the Grand Hotel is licensed at this time.

The CHAIRMAN. And it is situated on property owned by the United States?

Mr. SHOEMAKER. Owned by the United States Government.

The CHAIRMAN. Do you know whether these immoral practices still exist?

Mr. SHOEMAKER. I have no personal knowledge of it, Mr. Chairman, except that there are two cases pending against the management in the police court, in which they are charged with making sales to minors; and I have information that the conditions that have been are still prevailing; but I do not know that of my own knowledge, and I guess I had better not speak about that.

The CHAIRMAN. Do you know of any similar conditions in any other hotel?

Mr. SHOEMAKER. The Marks Hotel at Tenth and E Streets, I am informed by the police, is a very objectionable house.

The CHAIRMAN. What police officer told you that?

Mr. SHOEMAKER. Lieut. Catts, the head of the vice squad, and Detective W. E. Howes, his assistant. I was present with them one evening at the hotel, and looked over the dining room.

The CHAIRMAN. This is a hotel with less than 50 rooms?

Mr. SHOEMAKER. Yes; it is one of the hotels with less than 50 rooms. The vice squad say that it is one of the worst places in Washington.

The CHAIRMAN. You say you went into the hotel with some of these officers?

Mr. SHOEMAKER. Yes; with members of the vice squad.

The CHAIRMAN. Did you see anything out of the ordinary when you were in there?

Mr. SHOEMAKER. I saw nothing out of the ordinary at that time, except men and women drinking together, and the officers pointed out to me some whom they knew to be women of bad character, and one woman they told me they had taken out of a house which was raided under the Kenyon law a week or so previous.

The CHAIRMAN. About when was this?

Mr. SHOEMAKER. Oh, it has been two months ago, I should say. While I am on that, I might say we went also, on the same night, into the Grand Hotel, when I saw a large number of young people, men and women, girls and boys—I will not say they were under age, but they were young—sitting and drinking in that place. I also went to the Philadelphia House, located on Pennsylvania Avenue between Third and Four-and-a-half Streets, on the south side. That is a place run for colored people solely, and I found that the dining room, so called, in the rear of the bar, and elevated above the bar, was packed with young men and women almost like sardines in a box.

Senator THOMPSON. Colored?

Mr. SHOEMAKER. All colored.

The CHAIRMAN. You say the room above the bar?

Mr. SHOEMAKER. It is a room that is back of the bar, and it is elevated above the barroom. You have to go up several little steps to get to it.

The CHAIRMAN. Is the Philadelphia House supposed to be a hotel?

Mr. SHOEMAKER. No, sir; I do not know whether they run that as a hotel or not, but it is designated as a restaurant by the excise board.

The CHAIRMAN. Are there rooms there?

Mr. SHOEMAKER. They have rooms upstairs, but I have not any knowledge whether they are used as hotel rooms or not. I know I was upstairs and saw some of the patrons in the rooms.

The CHAIRMAN. Men and women?

Mr. SHOEMAKER. Yes; there were men and women.

The CHAIRMAN. Were there any beds in those rooms?

Mr. SHOEMAKER. I did not see any beds in those rooms. I saw two rooms near the front. I did not notice any beds. They were just walking around as if it was a kind of reception room of some kind.

The CHAIRMAN. Did you not have occasion to visit the Philadelphia House once before?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. With members of the excise board?

Mr. SHOEMAKER. Yes; I did.

The CHAIRMAN. Describe that visit and give the date of it.

Mr. SHOEMAKER. On the Saturday night just previous to the granting of the renewals for the year 1914, I was in company with two members of the excise board and Mr. Harvey—Hugh F. Harvey—and among the 75 places we visited was the Philadelphia House. Just about 10 minutes of 12 o'clock, when we were finishing the trip, I suggested as we were passing the place that we should visit it, the members agreed, and we went over and walked into the bar and found it fairly well filled with men, lined up all around the wall and at the bar. Mr. Bride and I walked rapidly through the bar and to the rear, up two or three steps, and into the dining room which I have already referred to. That night it was packed, just as it was the second night I saw it. They were serving liquors to women without meals or food of any kind, in violation of law. A man and a woman who started at the other end of the hall, which was about as wide as this room, marched—wormed their way—through the crowd, singing, with the piano playing, "This is the Life." The waiters could hardly get in to serve, but they did worm their way in somehow. Gen. Smith, the chairman of the board, came up just after we did, but we could not get in the room, we just could get to the door so that we could look in, and the chairman said after a moment or two, "I guess we have seen enough of this. Let us get out." So we went out, and as we were going out the chairman said to me, significantly as I thought, "Mr. Shoemaker, we have got to hand it to you on this case."

Senator JONES. What did you understand by that?

Mr. SHOEMAKER. I understood that the board had seen it, and that what it had seen had satisfied the board that no license should be granted further to that place. I was surprised, when the list of grants was given out, that the Philadelphia House was one among the number.

The CHAIRMAN. Did they attempt to give any excuse for licensing that place?

Mr. SHOEMAKER. No excuse. They generally give no reason for their action.

Senator THOMPSON. There was no hearing of that case of the renewal?

Mr. SHOEMAKER. We had had the hearing on it.

The CHAIRMAN. When they applied for the renewal was there a hearing on the renewal?

Mr. SHOEMAKER. Yes; we had a hearing on it.

The CHAIRMAN. And in that hearing you set out what had happened theretofore?

Mr. SHOEMAKER. No; we did not to that extent, because I did not have knowledge of it.

Senator THOMPSON. I mean, was there no further hearing as to that?

Mr. SHOEMAKER. No; no further hearing. That was just a week before the granting of the license.

The CHAIRMAN. Did you appear at this hearing of November 15?

Mr. SHOEMAKER. Yes; but that was the hearing just before we visited it.

Senator JONES. You visited it just before the present license was granted that it is acting under?

Mr. SHOEMAKER. Yes; in the latter part of October, 1914.

The CHAIRMAN. When you visited it in the latter part of October, 1914, did you see any women drinking without meals?

Mr. SHOEMAKER. Yes; that is the time I referred to.

Senator JONES. That is the time he is referring to.

The CHAIRMAN. I thought he was describing the first time it was licensed?

Senator JONES. No.

The CHAIRMAN. He made two visits.

Mr. SHOEMAKER. Yes; but the second one was the visit I made with the vice squad, since the license has been granted.

The CHAIRMAN. Have you asked for a revocation of that license?

Mr. SHOEMAKER. I have not. There is no power of the board to revoke a license.

The CHAIRMAN. Has the board no power to revoke?

Mr. SHOEMAKER. No power except upon conviction.

Senator JONES. Upon proof of violation of the law?

Mr. SHOEMAKER. Yes; upon conviction in the police court.

The CHAIRMAN. Does the law require conviction in the police court before the board can revoke a license?

Mr. SHOEMAKER. Yes; it requires revocation upon two convictions, and the board may revoke upon one conviction.

The CHAIRMAN. Have there been any convictions in the police court of saloons for violating the excise law since November?

Mr. SHOEMAKER. I do not know of any. I want to take this occasion, Mr. Chairman, to say something further in that connection, and somewhat in response to what Senator Jones said this morning in reference to the prosecutions in the police court. My attention has been called recently to cases that have been pending in the police court for months. For instance, one captain of police has recently called my attention to a case made in his precinct that has been pending in the police court since last July. It was made last July and has not reached prosecution yet. I had a letter the other day from a lady who called my attention to a charge pending in the police court against a hotel for selling to a minor, a girl. That case has been pending for months. There are other cases that have been long pending in the police court without trial, and how soon they will be tried no one knows.

Senator JONES. I think right there it would be well to insert in the hearings paragraph 18, making it the duty of the corporation counsel to prosecute upon complaint. It is as follows:

PAR. 18. That prosecutions for violations of the provisions of this section shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

Mr. SHOEMAKER. Would it be of any interest to the committee to have a list of the cases pending and the time they have been pending?

The CHAIRMAN. We would be very glad to have that.

Mr. SHOEMAKER. I will try to get that.

Senator THOMPSON. They do not try those cases with a jury in the police court here?

Mr. SHOEMAKER. Yes; most of the liquor licensees demand jury trials, and the cases sometimes go over for a year, and witnesses die or move away, and there is trouble always.

Senator THOMPSON. Ordinarily a police-court case is tried without a jury.

Mr. SHOEMAKER. Yes; but here they have a right to demand a jury trial; that is, not in all cases. There are some minor cases that are tried without a jury, but in liquor cases they have that right. That is all, I think, on that.

The CHAIRMAN. What did you observe in your inspection trip when you say you visited 75 places?

Mr. SHOEMAKER. Mr. Chairman, I may say that at my suggestion the commission made this inspection. There was no inspecting being done by the inspector.

Senator THOMPSON. Who was in that party?

Mr. SHOEMAKER. The party consisted of Gen. Smith, the chairman of the excise board, Mr. Bride, and Mr. Hugh Harvey and myself. At my suggestion the trip was made. There were no inspections being made by the inspector of the board, and, so far as I knew, the board when it saw places generally saw them during the day, and I said, "If you want to see conditions, go on a night, especially on a Saturday night. Go among the saloons that are largely patronized by the colored people and see for yourselves what is going on." The suggestion was made by Mr. Bride that I go with them, and the other gentlemen would not agree that I should go without Mr. Harvey should go along, and the party was thus made up.

We first went up Fourteenth Street and visited the saloons, or many of them, up around U Street. We found those we went into largely, some of them almost entirely, patronized by colored people. Then passing down Fourteenth Street we went to Georgetown and saw the saloons on M Street, where there were many within a few blocks. Among them were two saloons at the bridge, which are in the western zone, about which there is now a contest in the courts. The saloons along that street were mainly for colored people, apparently. There were crowds of them in them, and some white and some colored men, standing at the bar drinking together, and conditions in some of them were to my mind bad; and three of them, of the licensed places, lost their place licenses.

We then came down to Ninth Street and looked at the saloons south of Pennsylvania Avenue on Ninth Street; then went up Ninth Street and then crossed to Seventh Street and went down Seventh Street, beginning at Rhode Island Avenue and Seventh Street, at the mile limit around the Soldiers Home, and coming down we took in nearly all the saloons on that street. Most of those saloons were crowded with negroes and conditions in many of them were bad.

Senator JONES. When you say conditions were bad that does not convey anything to us. What were the conditions?

Mr. SHOEMAKER. Well, in one of the saloons we went into, one kept by Mr. Xander on Seventh Street near Rhode Island Avenue, we found that he had two apartments, one apparently retail and the other wholesale. We met the proprietor at the door and walked back

through the bar quickly and started through the door leading into the wholesale side. As we went, a number of men came rushing through, wiping their mouths, and when we got in there we saw that a party had been disturbed. Behind the barrels, on a table, were glasses, some filled with beer and some partly filled and some empty. One glass of beer was sitting upon a barrel. They had just dropped them wherever they had them. As we went out the chairman met the proprietor—I was close with him—and he said, "Last time I was in here I told you not to do that any more," and the man started to explain, and the chairman said, "No explanations," and his remark further was to the effect that he would lose his license. He did not use the words that way.

The CHAIRMAN. What was it he told him not to do any more?

Mr. SHOEMAKER. Serve liquors in the wholesale department, to be drunk on the premises, behind the barrels, away off there.

The CHAIRMAN. The license was renewed—was granted?

Mr. SHOEMAKER. It was granted. We came down and there were two places, one kept by Daly and one by Plugge. Both of those places were mentioned this morning. They were right together on the east side of Seventh Street, and within the prescribed distance of the Church of the Immaculate Conception, on N Street. As we went in Mr. Plugge's saloon, it was crowded with negroes. They were drawing liquors from barrels, and some were drinking at the bar, and there was a general rush and confusion. We stood there a moment or two and then quickly went into the saloon next door. There was a similar crowd in there, considerable disorder and confusion, and half drunken negroes—they were all colored people—and we had just been in there a minute and were talking to the proprietor when in rushed I suppose 20 or 25 young negroes at the door, and the proprietor, evidently embarrassed, rushed to the door and tried to keep them out, and they did not understand what he meant by it, and for an instant I thought there would be a riot there, and some of them came out and some of them went in.

The CHAIRMAN. You say this was a wholesale place?

Mr. SHOEMAKER. No; a retail bar.

The CHAIRMAN. Why was it that they could not come in there?

Mr. SHOEMAKER. Well, I do not know. I suppose the proprietor did not want them all coming in there when the members of the excise board were present.

Senator THOMPSON. Were they minors?

Mr. SHOEMAKER. I could not say that they were minors. They were young, and they had been drinking, and were noisy and boisterous, and I suppose the proprietor did not want it to appear that he was permitting that class to come in his place.

I want to go back farther on Seventh Street to a place kept by O'Hanlon—no, not O'Hanlon. Well, it is known as the Thyson House, on the corner of Seventh and P Streets. The barroom entrance is the second door from the corner. Across the street from the barroom on P Street begins a group of public schools. There are two graded schools right across the street on P Street and the Central High School is farther on. This saloon seemed to be for negroes only, and they were of a pretty rough looking appearance when we went in it.

This building had been added to, just prior to the granting of the license, to make enough rooms, apparently, to have it classed as a hotel, and it is classed as a hotel and licensed as a hotel, and a hotel for white people, the barroom in it being patronized almost entirely by colored people. At the hearing on this application for renewal of license, the teachers of the schools were present, protesting and earnestly pleading with the board not to grant a license for that place just across the street, within full view, I suppose within 60 feet, of one of the schools.

Senator JONES. Why was not that shut out?

Mr. SHOEMAKER. Because it was a hotel of 50 rooms.

Senator JONES. Fifty rooms?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. What is the name of the place?

Mr. SHOEMAKER. The Thyson House.

The CHAIRMAN. Do many guests stop there as regular guests of the hotel?

Mr. SHOEMAKER. We were unable to find that many guests stopped there as regular guests of the hotel. It seems that some people live there as roomers by the month.

Senator JONES. The main business there seems to be the running of that bar?

Mr. SHOEMAKER. Of that barroom, yes, sir; and my theory in fighting that place was that they simply added some rooms there for the purpose of having it considered a hotel.

Senator THOMPSON. Did you mention that place in the list this morning, as being within 400 feet of a school?

Mr. SHOEMAKER. No, sir; because it is licensed as a hotel having 50 or more rooms.

Senator JONES. You speak about additions being put on?

Mr. SHOEMAKER. Made since this law went into effect.

Senator JONES. The additions have been made since this law went into effect, apparently to comply with the law?

Mr. SHOEMAKER. Yes. Of course, if they did not have 50 rooms they would not have any chance to remain there in such close proximity to a school.

Senator JONES. How many rooms did they have?

Mr. SHOEMAKER. I do not know, Senator. There are quite a number.

Senator JONES. Are those additions of wood or brick?

Mr. SHOEMAKER. They are brick, and in good condition.

Senator JONES. It appears now that these additions have been made since the law was passed?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Was there a police report made on this place when the license was renewed?

Mr. SHOEMAKER. Oh, yes.

The CHAIRMAN. Did you see it?

Mr. SHOEMAKER. I saw it. I do not recall anything especially against it, though, from the police.

The CHAIRMAN. Does that finish in regard to your trip?

Mr. SHOEMAKER. That does not finish it. We went out H Street NE., and viewed the saloons out there, and found most of them there patronized largely by the colored people, and I emphasize that be-

cause we made a special plea to the board not to grant so many saloons for colored people in colored residence neighborhoods. A large and influential body of the leaders of the colored people here, the ministers and lawyers and doctors, asked through us for a special hearing, and that hearing was granted, when they made most strenuous protests against the granting of licenses in neighborhoods where their people lived, claiming that saloons were a great detriment to their work and the uplift work that they do, and I was anxious that the board should see these saloons which catered especially to the colored people. My observation is that at least two-thirds of the saloons in this city outside of the extreme down-town section could not exist were it not for their colored patronage.

The CHAIRMAN. Two-thirds of the saloons outside of the down-town districts?

Mr. SHOEMAKER. Yes, sir; could not exist without their colored patronage.

The CHAIRMAN. Do you mean to state, Mr. Shoemaker, that the saloons are especially numerous in the colored sections?

Mr. SHOEMAKER. Yes; in the sections that are largely residential colored sections.

For instance, on Four-and-a-half Street SW., the board, during the transfer period, I think, located or relocated on that street seven or eight or nine saloons, and we found that most of those saloons had a very large colored patronage. We claimed and urged before the board that that was a residence section; that while there were some blocks on that street that were devoted to business, and very small business at that, yet on the east side of the street it was solidly built up with homes, and many poor people, colored people and the poorer class of white people, were living east and west of that street; and we urged upon the board that there would be no improvement in that section if these saloons off of Four-and-a-half Street, in residence sections; were moved a few blocks into Four-and-a-half Street; and I am convinced that there has been no great improvement in that section, that these saloons are right there in easy reach of these people, and we feel that the law has been circumvented by the granting of these licenses so close to them.

The CHAIRMAN. What proportion of the citizenship of the District is colored?

Mr. SHOEMAKER. Approximately one-third of it, I think, is colored.

The CHAIRMAN. And you think that more than one-half of the saloons cater especially to colored trade?

Mr. SHOEMAKER. That is my information and belief.

The CHAIRMAN. More than one-half of the saloons in the entire District?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. And two-thirds of those outside of the downtown district?

Mr. SHOEMAKER. Yes; and many of them are patronized almost exclusively by the colored people.

The CHAIRMAN. Many of the saloons are patronized almost exclusively by colored people?

Mr. SHOEMAKER. By colored people.

The CHAIRMAN. Very well; go ahead.

Mr. SHOEMAKER. I made some notes of this trip that we had around at that time; brief notes, just memoranda, and at the request of the board I furnished them with what I saw with them on that occasion.

Senator JONES. Have you those notes here now?

Mr. SHOEMAKER. I have not. I have just the names of these saloons; the names of the saloons that we visited.

Senator JONES. You have not the memoranda?

Mr. SHOEMAKER. I have not the memoranda. That was written at the board, and I have not a copy of it.

Senator THOMPSON. That was written out there?

Mr. SHOEMAKER. The copy I made I dictated to Mr. Hibbs at the board, and I did not retain a copy. That is in their records there, I think.

Mr. Chairman, I think that is all I care to say on that point.

The CHAIRMAN. Regarding that trip?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Very well. What do you know as to violations of the law as to wholesale houses?

Mr. SHOEMAKER. The rule of the board, gentlemen, provides that wholesalers—

The CHAIRMAN. It is paragraph 1.

Mr. SHOEMAKER. Yes; it provides that wholesale licenses may be granted in residence districts on residence streets, provided they do not sell more than 5 gallons.

The CHAIRMAN. That provision, however, does not appear in the law.

Mr. SHOEMAKER. It does not appear in the law. It is, in my judgement, an arbitrary construction and a rule adopted without any justification.

Senator JONES. A sort of supplementary legislation?

Mr. SHOEMAKER. Supplementary legislation is a good term. Those who sell in quantities of 5 gallons or more must be licensed in residence districts under that rule, but there are only 12 of that class.

The CHAIRMAN. They are all in the downtown district, are they not?

Mr. SHOEMAKER. They are jobbers—not all, because breweries take out the wholesale license. There are 12 altogether, as I remember, counting the four breweries.

The CHAIRMAN. Are the breweries in the residence section?

Mr. SHOEMAKER. They are.

The CHAIRMAN. Were their licenses protested?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. On that account?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. What was the reply of the board?

Mr. SHOEMAKER. Nothing was said at all. They simply said nothing about it.

Senator THOMPSON. How many wholesale licenses are there, do you know, altogether, in the city?

Mr. SHOEMAKER. There are 95, now, I think.

The CHAIRMAN. As such, under the holding of the board? Under the holding of the board there are only 10 or 12 wholesale houses?

Mr. SHOEMAKER. Yes; 10 or 12.

The CHAIRMAN. In the District?

Mr. SHOEMAKER. Under the law there are, I think, 95 wholesale licenses at this time, altogether; 12 of them, as I recall, are issued to jobbers or brewers. The rest of them are to licensees to sell in quantities under 5 gallons.

The CHAIRMAN. On the books of the board they do not appear as wholesalers, do they?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Those who sell under 5 gallons?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. I see. They consider them wholesalers, but permit them to sell in residence districts, yet they sell less than 5 gallons?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. And provided they sell in sealed packages?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. And they seal the package?

Mr. SHOEMAKER. Yes; and they seal the package. Their rule as to sealed packages is I think, erroneous.

Senator JONES. What is it?

Mr. SHOEMAKER. I have it here, on page 17. It is as follows:

SEC. 15. Under a wholesale liquor license intoxicating liquors shall be sold in sealed packages only and each package shall contain not less than one quart; except that any sealed original or bonded package containing not less than approximately one pint may be sold.

A "sealed original" package comprehends a package not filled at the time of sale, but one carried in stock, whether filled on the premises of the licensee or elsewhere.

My objection to that is that language, "sealed original" package. They have left out the word "bonded," as the law has it.

Senator JONES. I think it would be well to read into the record right there the provision of the law with reference to wholesalers. It is as follows:

A wholesale liquor license shall authorize the licensee to sell intoxicating liquors in sealed packages only and in quantities not less than one quart in the aggregate, except in sealed original or bonded package in quantity not less than approximately a pint, and not to be drunk on the premises where sold; and no wholesale license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquors as merchandise.

The CHAIRMAN. Mr. Shoemaker, are any of these wholesale liquor houses that sell under five gallons violating the spirit of the law, and do they become really places where liquors are sold indiscriminately?

Mr. SHOEMAKER. I have no knowledge, Mr. Chairman, that these wholesalers are selling liquor to be drunk on the premises. The advantage they have, however, over the barroom is that they are licensed in strictly residential communities and they may sell to women, while a barroom may not. Women go in. I have seen them go in and go out with these so-called sealed jars.

The CHAIRMAN. Into what place have you seen a woman go and bring out a sealed jar?

Mr. SHOEMAKER. There are one or two places in my rounds that I saw when I was making measurements and inspections.

The CHAIRMAN. Name them.

Mr. SHOEMAKER. There was a place kept by a man by the name of Cohen—I think it is Cohen—up northwest. I can not at this minute locate it. I saw the women in there coming out with their bottles and jars.

Senator JONES. What kind of jars?

Mr. SHOEMAKER. Well, these preserving jars.

Senator JONES. Fruit jars?

Mr. SHOEMAKER. Fruit jars; yes, sir.

Senator JONES. Did you see them go in carrying those fruit jars?

Mr. SHOEMAKER. I did not see them go in there, but I saw them coming out. I saw in Frank P. Hall's saloon, before it was closed, the day we were there inspecting the place making measurements, a colored woman go in the alley entrance at that place with a jar, and I waited for her to come out, and she came out with a package covered with a paper bag, and I stopped her and asked her what she had, and she said "Nothing." I took hold of the jar and opened the paper sufficiently to see that it was apparently a jar of beer. It was a fruit jar with a screw top, filled with beer.

The CHAIRMAN. Is there any difference between the amount charged for the license for a wholesale place selling under five gallons and that charged for a regular barroom license?

Mr. SHOEMAKER. There is no difference. The license is \$800 in each case.

Senator JONES. You misunderstood the chairman. He said in a barroom.

Mr. SHOEMAKER. Yes; the barroom license fee is \$1,500 and the wholesaler pays only \$800.

Senator JONES. There is no difference in the fee of the wholesalers, where they sell under and where they sell over 5 gallons?

Mr. SHOEMAKER. There is no difference in the fee at all.

The CHAIRMAN. In other words, the brewer pays \$800?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. The wholesaler is not supposed to retail in any quantity?

Mr. SHOEMAKER. He can retail in as small a package as a pint.

Senator JONES. But a quart in the aggregate?

Mr. SHOEMAKER. A quart in the aggregate. But they do sell, as a matter of fact, in pints.

Senator THOMPSON. In the original package? How is that?

Mr. SHOEMAKER. In pints.

The CHAIRMAN. And they sell in any quantity under 5 gallons, do they not?

Mr. SHOEMAKER. Yes; they can sell in any quantity under 5 gallons. I will say this as a matter of information as to why the amount was fixed at less than 5 gallons. The dealer may sell in quantities of $4\frac{7}{8}$ gallons by paying the Government revenue tax of \$25.

Senator THOMPSON. Any dealer?

Mr. SHOEMAKER. Any dealer. The United States Government taxes him \$25 if he sells in quantities not more than $4\frac{7}{8}$ gallons. If he sells more than $4\frac{7}{8}$ gallons, he pays \$100.

Senator THOMPSON. The Government considers him a wholesaler if he sells over $4\frac{7}{8}$ gallons, and a retailer if he sells under $4\frac{7}{8}$ gallons?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. In other words, this board really authorizes a retail trade under the name of wholesale trade?

Mr. SHOEMAKER. Yes.

Senator JONES. But the Government simply fixes this amount for the purpose of determining its tax?

Mr. SHOEMAKER. Absolutely.

The CHAIRMAN. And there is absolutely no permit about it at all?

Mr. SHOEMAKER. No, sir.

The CHAIRMAN. And there is nothing in this law which makes provision for a limit of 5 gallons?

Mr. SHOEMAKER. Nothing in the law at all.

The CHAIRMAN. But the excise board has taken it on itself to really license these people in the residence districts to sell in quantities of less than 5 gallons; to license them to operate in reality a retail personal trade under the guise of wholesale trade?

Mr. SHOEMAKER. That is the effect of it.

The CHAIRMAN. Do you not understand it that way?

Senator JONES. I think that is the effect of it.

The CHAIRMAN. Do you know whether any of these so-called wholesale houses in residence districts sell to other dealers any liquors, or whether they sell to immediate consumers?

Mr. SHOEMAKER. In almost every instance to immediate consumers.

The CHAIRMAN. What do you know as to minors entering these wholesale houses?

Mr. SHOEMAKER. Mr. Chairman, a rule of the board permits minors to enter places where liquor is sold at wholesale under the wholesale license, provided the dealer segregates his liquors and puts up a little railing so that the minor can not get up in direct contact with the liquors.

Senator THOMPSON. That is another evasion of the law by the rules, is it not?

Mr. SHOEMAKER. There is nothing in the law that provides for that condition.

Senator THOMPSON. That is another attempt to fence out the law?

Mr. SHOEMAKER. That is another attempt to fence out the law. The reason I spoke about that is that the excuse given is that certainly there was no intention to prevent minors from entering grocery stores where liquor is sold.

Senator THOMPSON. The board places that construction on the law?

Mr. SHOEMAKER. Yes; they say that that was another oversight.

Senator THOMPSON. And they are simply supplying a defect?

Mr. SHOEMAKER. Yes; they are simply supplying a defect, so that they supply a little rail 2 or 3 feet high. I have seen some of those rails, and to my mind they are the most ridiculous thing I have seen in connection with this traffic. They are absolutely useless, and to my mind that rail has a tendency to attract the attention of minors who go into grocery stores. I have seen them myself in stores, looking up at the clerk who was back behind the rail, watching him handing out the packages to customers; and a boy sees it and is not permitted to go inside, but is right up against the railing, and to my mind the effect is worse than under the old way.

Senator THOMPSON. It calls the direct attention of the minor to what is going on?

Mr. SHOEMAKER. To what is going on.

Senator THOMPSON. Outside the railing?

Mr. SHOEMAKER. Yes; I consider that an inexcusable makeshift. There is another thing, Mr. Chairman, I will mention, unless you have something else to ask me.

The CHAIRMAN. No; go ahead.

Mr. SHOEMAKER. This is something in connection with the rules that I might call your attention to.

Senator JONES. Before you go on would it not be well to read right into the record, in connection with your statement regarding minors, the provision of the law with reference to minors being in these places?

Mr. SHOEMAKER. I think it would be a good idea.

Senator JONES. I have a provision here, and you can tell me whether this is the only place in which there is a provision in regard to it. This is under paragraph 6:

That no minor under the age of eighteen years shall be allowed to enter or permitted to remain in any place where intoxicating liquors are sold, other than a hotel, restaurant, or club.

Mr. SHOEMAKER. I think that is the only reference in the law to that matter, Senator.

Senator THOMPSON. Did I understand there are numerous grocery stores and wholesale houses and places of that kind where they permit the minor to go, providing he stays outside a certain railing?

Mr. SHOEMAKER. Yes. These railings are up, I suppose, in all the stores. They are very exact about requiring that railing; but those railings that I have seen are very trifling; just a little gateway and a railing. It is no protection, in my judgment. Some of these wholesalers sell liquors in connection with groceries and others do not. There are a number of houses selling under 5 gallons, selling nothing but liquors.

Senator JONES. The board has kindly tried to supplement congressional legislation in that respect also?

Mr. SHOEMAKER. Yes; in that respect, also. They have supplemented it in some other respects, too. The law fixes the opening hour for saloons at 7 o'clock in the morning. The board says they may open at 6.45, not for the purpose of selling, but for the purpose of cleaning up, or things of that kind.

Senator JONES. Getting ready to sell?

Mr. SHOEMAKER. Yes.

Senator JONES. They are afraid they may lose a minute or two?

Mr. SHOEMAKER. Yes.

Senator JONES. They have a regulation of that kind?

Mr. SHOEMAKER. Yes. It is on page 18.

Senator JONES. I wish you would kindly read that regulation.

Mr. SHOEMAKER. This reads:

SEC. 18. (a) For the purpose of cleaning up and doing other necessary work, licensed premises may be entered or occupied by licensees and their regular employees between 6.45 o'clock a. m. and 7 o'clock a. m., except on Sundays and Inauguration Day; and between the hours of 10 o'clock a. m. and 12 o'clock noon on Sundays and Inauguration Day: *Provided*, That neither said licensees nor their employees shall drink, sell, give away, or dispense any intoxicating liquors during the times mentioned.

Senator THOMPSON. Now, read the section of the law regarding opening at 7 o'clock.

Senator JONES. That is paragraph 6. They are probably technically within the law on this. This is on page 7.

PAR. 6. That under the license issued in accordance with this section no intoxicating liquors shall be sold, given away, or in any way disposed of to any minor, intoxicated person, or habitual drunkard, and ignorance of the age of any such minor

shall not be a defense to any action instituted under this section; and no licensee under this section shall sell, give away, or dispense any intoxicating liquors to any person between the hours of 1 o'clock a. m. and 7 o'clock a. m., nor on Sundays or Inauguration Day; and between said hours and on Sundays and Inauguration Day every barroom and other place where intoxicating liquors are sold shall be kept closed.

The latter part of that shuts them out on opening at 7 o'clock.

Mr. SHOEMAKER. And yet the board permits them to open before 7 o'clock, and on Sunday for two hours, when under the old law it was a serious offense to even open on Sunday.

Senator JONES. It is under this law.

Mr. SHOEMAKER. It is so, I say.

Senator JONES. What excuse do they give for allowing them to open two hours on Sunday?

Mr. SHOEMAKER. The same excuse; omission. Congress did not intend it. I have been informed—I have had complaints made to me—that the dealers have taken advantage of this rule which is referred to, and that they are serving customers before 7 o'clock in the morning—early customers.

Senator THOMPSON. How about on Sunday? Did you ever hear of any Sunday violations?

Mr. SHOEMAKER. I have not heard of any Sunday violations.

Senator JONES. It is pretty safe to say that if they are open there is something being done.

The CHAIRMAN. Is there anything else now, Mr. Shoemaker?

Mr. SHOEMAKER. I want to call your attention also to section 20 of the rules and regulations, at page 18. Preliminarily, I want to say that the law provides that in case of the death of a licensee the barroom or the wholesale place may be continued to be operated for 30 days after the death, during which time the license may be transferred; but there is no provision in the law which permits receivers or trustees in bankruptcy to operate a place.

Senator JONES. Can you not find the provision in the law so as to read it into the record here, so there may be no question about its terms?

Mr. SHOEMAKER. Yes. It is on page 10, Senator, paragraph 15, the latter part of it.

Senator JONES. Just read it, so that it will go into the record. I will read it:

Provided further, That the personal representative of any deceased licensee may within 30 days after the death of such licensee transfer said license in accordance with the provisions of this law touching transfers of licenses.

Mr. SHOEMAKER. Yes, sir.

Senator JONES. That is the latter part of paragraph 15.

Mr. SHOEMAKER. The rule provides that: "Except in case of the death of a licensee any person or persons duly authorized by the Supreme Court of the District of Columbia may, with the consent in writing of the excise board, conduct the business of a licensee for a period of not exceeding 60 days. In such cases posting of the licensed premises shall not be required."

Senator THOMPSON. They have made it 30 days?

Mr. SHOEMAKER. It is 60 days. There is no provision in the law for court officials, trustees in bankruptcy, or receivers to run the business. The only provision is that read by Senator Jones, in case of the death of a licensee.

Senator THOMPSON. I understand.

Mr. SHOEMAKER. Then they may do so for 30 days only?

Senator THOMPSON. They have raised it to 60 days?

Mr. SHOEMAKER. Not 60 days in the case of the death of a licensee, but 60 days in the case of trustees in bankruptcy or receivers or other court officials.

Senator THOMPSON. There is no provision in the law at all about that?

Mr. SHOEMAKER. No provision in the law at all about that.

The CHAIRMAN. In other words, in order to comply with the law if any of these officials desire a license, they should make application in the regular way?

Mr. SHOEMAKER. In the regular way.

The CHAIRMAN. That is a clear case of legislation by the board.

Mr. SHOEMAKER. My reading of the law on the subject of trustees in bankruptcy and receivers and other officials is that they have no authority to engage in the liquor business without a license. There is another provision, Mr. Chairman, that I guess I had better read also.

Senator JONES. Yes; then there can not be any doubt about what it is.

Senator THOMPSON. You might state in a general way what it is.

Mr. SHOEMAKER. This is section 21, paragraph f. It provides that barrooms shall have but one entrance from the street.

The CHAIRMAN. The provision is as follows:

SEC. 21. (f) Only one entrance to a barroom from the street, which entrance shall be the one mentioned in his, her, or its application for license, is permitted; and no other entrance to said barroom from any street, or from any public or private alley or passageway outside of the building in which a barroom license is granted, shall be used or allowed unless the excise board shall specially permit an extra entrance upon written application therefor by a licensee.

Mr. SHOEMAKER. You are reading from the rule, now?

The CHAIRMAN. Yes.

Mr. SHOEMAKER. The law further provides that there shall be only one entrance, except that the board may grant an extra entrance. In the annual report of the board which is before you, I believe, they set out that there were 39 applications for these extra entrances, and all of them except one were granted, and we have contended that while in some instances there may be special reasons why extra entrances should be granted, yet generally speaking there can be no good reason, except of course to increase the trade, and up to a short time ago they were permitting two entrances to places on the corner, one on either street.

Senator JONES. Now, I will read the provision of the law. It is part of paragraph 14, on page 10:

Nor shall any barroom licensee establish more than one bar under his license, and the sale or dispensing of liquors, except in case of hotels, restaurants, and clubs, shall be confined to the room in which said bar is located; nor provide or permit to be used more than one entrance to said barroom from the street, which entrance shall be the one mentioned in his application for license, unless the excise board shall especially permit an extra entrance.

Senator THOMPSON. In all these places where they have a saloon and a restaurant in connection, they use an entrance into the barroom and also an entrance into the restaurant?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. So that, I suppose, there could be an entering either way.

Mr. SHOEMAKER. Yes.

Senator JONES. You say there have been 39 applications for additional entrances, and all have been granted except one?

Mr. SHOEMAKER. According to the last annual report of the excise board. You have that here.

The CHAIRMAN. I have it here. Can you put your hand on the paragraph referred to?

Mr. SHOEMAKER. I will read from the annual report of the excise board of the District of Columbia for 1914, page 11:

Another matter which required much attention from the board concerned the requests by barroom licensees for permission to maintain extra entrances to their barrooms. Here, too, the board saw to it that no action was taken except after inspection of the applicant's premises.

During the fiscal year ending June 30, 1914, 39 requests for permission to maintain such extra entrances were presented to the board, of which 38 were granted and 1 was refused.

The last list referred to by Mr. Shoemaker is here printed in full, as follows:

CLASSIFICATION OF BARROOM LICENSES.

RESTAURANT DESIGNATIONS.

1. John J. Allen, 807 North Capitol Street.
2. Eliz. Atzel, 1219 New York Avenue NW.
3. Geo. J. Bessler, 922 Pennsylvania Avenue NW.
4. Jas. W. Brown, Bennings Road.
5. Gus Brahler, 410 E Street NE.
6. John E. Bonini, 729 North Capitol Street.
7. Gustav Buchholz, 1411 Pennsylvania Avenue NW.
8. Stephen K. Coster, 209 Seventh Street NW.
9. Capital Consolidated Co., Fifteenth and U Streets NW.
10. Vincent Castelli, 502 Ninth Street NW.
11. Wm. Doyle, 1218 Wisconsin Avenue NW.
12. Chas. Dietz, sr., 511 Seventh Street NW.
13. Chas. W. Dismer, 708 K Street NW.
14. J. H. DeAtley, 1222 Pennsylvania Avenue NW.
15. Wm. J. Edelin, 2348 Pennsylvania Avenue NW.
16. Frank Endres, 1015 I Street NW.
17. Chas. A. Eckstein, 1412 New York Avenue NW.
18. Wm. A. Engel, 1335 E Street NW.
19. E. E. Farley, 415 Thirteenth Street NW.
20. Ernst Gerstenberg, 1343 E Street NW.
21. F. H. Geyer Co., 1827 Fourteenth Street NW.
22. P. D. Washington, 636 D Street NW.

RESTAURANT DESIGNATIONS—continued.

23. Wm. A. Hettinger, 415 Eighth Street NE.
24. Fritz Herzog, 1115 E Street NW.
25. Emma Hennige, 1421 H Street NE.
26. Rudolph Haenisch, 643 D Street NW.
27. Harvey Co.-(Inc.), 1016 Pennsylvania Avenue NW.
28. Peter L. Keyser, 429 Eighth Street NW.
29. Anna A. E. Klotz, 1708 G Street NW.
30. Patrick J. Lynch, 907 Seventh Street NW.
31. John E. Mergner, 415 East Capitol Street.
32. Charles Mades, 300 Pennsylvania Avenue NW.
33. Edw. Mannix, 3059 M Street NW.
34. Thos. R. Marshall, 1323 F Street NW.
35. Henry M. Marks, 1000 E Street NW.
36. Frank C. Poch, 900 Four-and-a-half Street SW.
37. John M. Perreard, 513 Thirteenth Street NW.
38. E. C. E. Ruppert, 1716 Pennsylvania Avenue NW.
39. Rauscher's (Inc.), 1036 Connecticut Avenue.
40. C. Martin Schneider, 416 Twelfth Street NW.
41. Theo G. Stoner, 206 Seventh Street NW.
42. Mary A. Solan, 1003 Seventh Street NW.
43. Stoneleigh Court, 1019 Connecticut Avenue.
44. Jos. Schladt, 1238 Wisconsin Avenue.

CLASSIFICATION OF BARROOM LICENCES—Continued.

RESTAURANT DESIGNATIONS—continued.

45. R. L. Steinhardt, 417 Eleventh Street NW.
46. Milton L. Schmidt, 702 Seventh Street NW.
47. Samuel A. Taylor, 212 Ninth Street NW.
48. Mary E. Thomas, 711 O Street NW.
49. Theodore Walter, 1001 C Street SE.
50. Washington Terminal Union Station,
51. Frank Wolf, 512 Twelfth Street NW.

HOTELS.

1. Bellevue Hotel, Fifteenth and H Streets NW.
2. Commercial Hotel, 640 Pennsylvania Avenue NW.
3. Charles Hotel, 485 Pennsylvania Avenue NW.
4. Columbia Hotel Co., Raleigh.
5. E. S. Cochran, manager, Cochran.
6. Congress Hall Hotel Co., 233 New Jersey Avenue SE.
7. Cairo Apartment House Co., 1615 Q Street NW.
8. Capitol Park Hotel Co., North Capitol and E Streets.
9. Washington Hotel Co., Continental.
10. C. W. Edwards, Piedmont, 491 Missouri Avenue NW.
11. Ebbitt House, Fourteenth and F Streets NW.
12. Grafton Hotel, 1139 Connecticut Avenue NW., Harrington Mills, proprietor.
13. Grand Hotel Co., 1426 Pennsylvania Avenue NW.
14. Gordon Hotel, 918 Sixteenth Street NW., T. A. McKee, proprietor.
15. Harrington Hotel Co., 432 Eleventh Street NW., H. Mills, proprietor.

HOTELS—continued.

16. Harris Hotel, 15 Massachusetts Avenue NW.
17. National Hotel Co., G. F. Schutt, proprietor.
18. Powhatan Hotel (Corp.), Powhatan.
19. Levi Woodbury, St. James Hotel.
20. Southern Hotel Co., Metropolitan, T. A. McKee, president.
21. Shoreham Hotel Co., Shoreham, J. Maury Dove, president.
22. Sterling Hotel Co., Sterling, T. P. Taylor, vice president.
23. Summit Hotel, 1249 Seventh Street NW., John Windolph, proprietor.
24. Tremont Hotel, 304 Second Street NW., Mary L. Colton, proprietress.
25. Hotel Thyson, 1503 Seventh Street NW., John Walsh, proprietor.
26. Vendome Hotel, 301 Pennsylvania Avenue.
27. Varnum Hotel, New Jersey Avenue and C Street SE., C. C. Leavens, proprietor.
28. Willard Hotel Co., Willard.

CLUBS.

1. Army and Navy, 1627 I Street NW.
2. Commercial, 1634 I Street NW.
3. Century, 815 Vermont Avenue NW.
4. Cosmos, 1520 H Street NW.
5. Eagle, 601 E Street NW.
6. Elks, 919 H Street NW.
7. Jolly Fat Men's, 933 D Street NW.
8. Metropolitan, 1700 H Street NW.
9. Monticello, 1301 Fourth Street NW.
10. National Press, 1420 G Street NW.
11. University, 900 Fifteenth Street NW.
12. Washington Saengerbund, 314 C Street NW.

The CHAIRMAN. Please tell us briefly about the Louise Gordon case—
Mr. SHOEMAKER. Mr. Gordon, whose first name I can not recall at present, had a license at New Jersey Avenue and Q Street during the last license year. He died, and the barroom was continued afterwards by the widow, Mrs. Louise Gordon. I can not give the dates.

The CHAIRMAN. You heard Mr. Wilson's statement in regard to the Gordon case?

Mr. SHOEMAKER. Yes; I heard Mr. Wilson's statement in regard to the Louise Gordon case, and am familiar with the circumstances of that case, and corroborate what he had to say in reference thereto in his testimony. I might add, however, that at the hearing on the application for transfer, some months after the license had expired by limitation of law, I urged the objection that the 30 days had expired long ago, and there was no license to transfer, but the board held otherwise. I then asked that the matter be referred to the corporation counsel for an opinion. For quite a while they objected to complying with that request, but did finally, and it went to the

corporation counsel, and I was required to prepare a brief on it, and the corporation counsel very speedily decided that there was no license to transfer, and the transfer could not be made.

The CHAIRMAN. Did they grant the transfer?

Mr. SHOEMAKER. The transfer was not made, but the applicant was permitted to continue the business for weeks afterwards, and until Mr. Wilson, through the District Commissioners, was able to secure a closing.

The CHAIRMAN. Is she not doing business now?

Mr. SHOEMAKER. She is doing business now. She applied directly after that for a new license, and it was considered with the renewals for the year, beginning November 1, 1914, and was granted, as I recall now.

The CHAIRMAN. She was granted a new license?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. At the old place of business?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. A transfer of the old license to another place was declined?

Mr. SHOEMAKER. This transfer was simply from the estate to her, not to another place. The objection was, of course, that under the law the license after 30 days was dead, that it expired by limitation and under the rules of the board, which I will insert in the record if you have no objection.

The CHAIRMAN. All right.

Mr. SHOEMAKER. It is section 20:

Sec. 20 (a). In case of the death of a licensee, the duly authorized personal representative of the deceased, or any person or persons authorized by the Supreme Court of the District of Columbia may, with the consent in writing of the excise board, conduct the business for a period of not exceeding thirty days after such death, and, unless the license be transferred within thirty days (including the fifteen days' posting required by Sec. 11 of the rules and regulations) after the death of the licensee, the license shall expire, in accordance with paragraph 15 of the excise law.

The CHAIRMAN. That is sufficient.

Mr. SHOEMAKER. I might call your attention, gentlemen, to the Michael Raftery transfer case, which has not been mentioned before.

The CHAIRMAN. Is that a different case from the Raftery case which we have had up before?

Mr. SHOEMAKER. Yes; there are three Raftery cases.

The CHAIRMAN. This is the case of Michael Raftery?

Mr. SHOEMAKER. Yes; he sought to secure a transfer of his license to Twentieth and E Streets NW. This was a very bad section some years ago when there were saloons there, but under the old law we made a fight to put those saloons out of existence, and the testimony of some of the people who lived there, some of them colored people, was that the condition had greatly improved since those saloons were abolished. When Mr. Raftery made application to locate in that same section we urged against the transfer that the conditions had been bad and had been changed for the better by the removing of saloons from there, and told the board all about the long, hard fight the people had put up to rid themselves of those saloons, and, having a large number of protestants against this transfer, we thought that the transfer should not have been granted, but it was granted. It

was transferred over by St. John's Orphan Asylum, a large institution of the Protestant Episcopal Church there. They put up a handsome new building just about that time. However, the fight was renewed this present license year, and the applicant came in by attorney and offered, if he were permitted to continue a few months after the beginning of the license year, that he would agree to have the license refused; or they would have it granted and they would run two or three months and then close up voluntarily. The protests were exceedingly strong in that case—there were a number of influential people, some Senators, I think—and the license was continued for that place; but later, after the 1st of November, Mr. Raftery made an application for a new license on Pennsylvania Avenue between Nineteenth and Twentieth Streets, and was granted a license there against the protests of the Union Methodist Episcopal Church close by, and others. That made the two hundred and ninety-ninth barroom license granted.

The CHAIRMAN. What was the three-hundredth?

Mr. SHOEMAKER. The three-hundredth was to Glavin, at 309 G Street.

The CHAIRMAN. Was any violation of the law involved in this Michael Raftery case?

Mr. SHOEMAKER. I do not cite it as a violation of law, except that in the granting of the license at Twentieth and E Streets there was a house of religious worship close by, which was at that time objecting. It was not a large church, but it has been occupied for quite a long while, I do not know how long; but it was not regarded by the board as of sufficient importance to be considered.

Senator THOMPSON. Was that within 400 feet of the church?

Mr. SHOEMAKER. Within 400 feet.

The CHAIRMAN. What was the church?

Mr. SHOEMAKER. It was a colored church. It is almost wholly a colored neighborhood there now.

The CHAIRMAN. That is where the saloon is operating now?

Mr. SHOEMAKER. No, sir; that is where it was the last license year. But they found they could not get a renewal there, so that since the beginning of the year he was licensed for the place on Pennsylvania Avenue.

Senator THOMPSON. It is running there now?

Mr. SHOEMAKER. Yes, it is running on Pennsylvania Avenue; now at Twentieth and E Streets.

The CHAIRMAN. Have you anything else?

Mr. SHOEMAKER. I want to invite your attention for just a moment to a situation in Georgetown, in Wisconsin Avenue, on the west side of that block between N and O Streets. There were three saloons there prior to the 1st of last November, and the distance from two of them was measured and they were found to be within 400 feet of the Methodist Episcopal Church on Dumbarton Avenue. The third one was on the extreme end of the block of N Street, and was entirely without the limit of the church.

The CHAIRMAN. Are these two saloons listed?

Mr. SHOEMAKER. There were three there.

The CHAIRMAN. I know, but are the two that were granted there listed?

Mr. SHOEMAKER. One of them was granted. The nearest one to the church was kept by a man by the name of Lipnick, and another was kept by a man named Killeen, and the third by a Mr. Cole. Mr. Lipnick was denied his license, and Cole was denied his, although being out of the limit. Killeen was granted his license.

The CHAIRMAN. He is within 400 feet of the Dumbarton Avenue Church?

Mr. SHOEMAKER. He is within 400 feet.

The CHAIRMAN. He is in the list you have given us?

Mr. SHOEMAKER. Yes. Against Mr. Cole's place we had nothing to urge.

The CHAIRMAN. He is the man who was without the limit?

Mr. SHOEMAKER. Yes. We did not urge anything against him because we had not anything to urge against him.

The CHAIRMAN. He was turned down?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. And the man who was within 400 feet of the church was favored and granted a license?

Mr. SHOEMAKER. Yes, sir; that is what I wanted to bring out.

The CHAIRMAN. What attorney represented this man who got the license?

Mr. SHOEMAKER. I think I can tell you in a moment. [After examining book.] My record does not show that any attorney appeared for him; no.

The CHAIRMAN. The records will show that?

Mr. SHOEMAKER. The records will show that.

The CHAIRMAN. Did you have anything against the other man in the block who wanted a license?

Mr. SHOEMAKER. Nothing against him except that he was within the prescribed limit of the church; and I talked with him afterwards, and he thought he was harshly treated, because he knew he was within the limit and expected to go out, although he filed an application for renewal.

The CHAIRMAN. And inasmuch as the man that was granted a license was within the limit, he thought he had been harshly treated?

Mr. SHOEMAKER. Yes; he thought that the treatment was wrong; that he should have been treated just like the other man.

The CHAIRMAN. Did they turn this other man down on the ground that he was within 400 feet of the church?

Mr. SHOEMAKER. I understand so. He told me so.

The CHAIRMAN. Very well. Now, is that all?

Mr. SHOEMAKER. There is just this, that I had a talk with Mr. Lipnick, prior to the action of the excise board, and he said he expected his license to be denied; that he was within 400 feet of the church, but he thought that the other man was also within 400 feet of the church, and he thought he should lose his license as well.

The CHAIRMAN. Was the man who got the license nearer to the church than Lipnick?

Mr. SHOEMAKER. No, not quite so near, but very close.

The CHAIRMAN. Not quite so near but very close, and within the 400 feet?

Mr. SHOEMAKER. Yes; I gave the distance there this morning.

The CHAIRMAN. Very well.

Mr. SHOEMAKER. I may insert right here as to the place of Michael Raftery, whose case I just referred to, which is on Pennsylvania Avenue between Nineteenth and Twentieth Streets, near the Union Methodist Episcopal Church and two other churches, so far as I know none of us have made the measurements to that, and we would like to ask the privilege of making the measurements and furnishing the results to the board.

The CHAIRMAN. Very well. We will also have the surveyor make the measurement.

Mr. SHOEMAKER. Yes; that would be better.

The CHAIRMAN. I suggest that you request the surveyor, for us, to make that measurement.

Mr. SHOEMAKER. Very well.

The CHAIRMAN. And report to us.

Mr. SHOEMAKER. I will do so. I want to refer also to Frank L. Ash's wholesale place, located at the corner of Twenty-eighth and O Streets, in Georgetown. Mr. Ash has a grocery store with a wholesale liquor license in connection with it, and it was quite close to one of the churches in the neighborhood. This was a colored neighborhood, very largely.

The CHAIRMAN. This is a grocery store?

Mr. SHOEMAKER. Yes, sir. He made application to transfer it to another point, and he succeeded in getting a point which was almost equidistant from four churches. We opposed it on the ground that it was not sufficiently away from the churches. I made the measurements at the time the application for renewal was up. He was transferred against the protests of a large number of people in the neighborhood, all the churches, and the people who maintained the diet kitchen, quite close by, and quite a number of white property holders of that neighborhood. After the license was transferred and before the application for renewal was made, I made a measurement and found the distance to be less than 400 feet from one of the churches, and I think one other church is even closer.

License was granted on Capitol Hill, on Pennsylvania Avenue, to Mr. O'Donnell, for 333 Pennsylvania Avenue, against the strenuous protests of a large number of citizens, property owners, and residents in the immediate neighborhood. He was transferred there.

The CHAIRMAN. On what ground did they oppose it?

Mr. SHOEMAKER. On the ground that it was undesirable in that neighborhood; that there never had been a saloon on that block.

The CHAIRMAN. Was it a business block?

Mr. SHOEMAKER. There was some business on it, and probably enough to justify a license if it were in a business section and not a residential section. It was opposed on the ground also that it was within 400 feet of a church; I think the Metropolitan Presbyterian Church. The police reported it to be within 400 feet of the Christadelphian house of religious worship, which is just across the street from it, but the transfer was made. The law provides that protestants if they desire, must be heard before any license can be granted. The board, to be fair to them, granted hearings in every case so far as I know. The hearings on renewal of applications were many of them extremely brief, the time was short, and I did not have any special criticism to make, and probably they did the best they could under the circumstances; but we have held that where protests were large

and strong, and from the immediate neighborhood of the proposed licenses, that fact should be regarded as a prohibition against the granting of the license; and yet, in many cases where the protests were large and influential, many property owners being represented in the protests, heads of families, licenses were granted despite these protests. We urged that the protests should have been sufficient to determine the result of the case. The board in many cases thought otherwise, and these licenses were granted in places where under the old law they could not have been granted, because under the old law the consent of the property owners on the block was necessary.

The CHAIRMAN. Under the old law the consent of the property owners on a block was necessary?

Mr. SHOEMAKER. Of the resident housekeepers and property owners in the block on either side of the street. That was required.

The CHAIRMAN. Their consent was necessary?

Mr. SHOEMAKER. Yes, sir. Under this law that consent is not required, so that saloons have been transferred to places where they could not have been transferred to, because the necessary consent could not have been secured.

The CHAIRMAN. And saloons have been erected in places where they never were before?

Mr. SHOEMAKER. Yes, sir.

The CHAIRMAN. By this new board?

Mr. SHOEMAKER. Yes, sir. I invite your attention to Timothy Hanlon's application for barroom license at the corner of H and Ninth Streets NE. The protests were especially strong against that application. It was on the northwest corner of those streets. The owner of the property and the tenant in the northeast corner, the owner of the property on the southeast corner, and the owner of the property on the southwest corner were in protest against it. A majority of property owners on the same side of the street, beside a large number of merchants and residents, protested against it, and despite the fact that there was a house of religious worship, that is, that there was a religious body meeting across the street on the northeast corner, the license was granted. Next door to this place is the residence of Dr. Cole. I can not recall Dr. Cole's full name just at this minute.

The CHAIRMAN. Dr. J. T. Cole?

Mr. SHOEMAKER. Yes; Dr. J. T. Cole. Dr. Cole has been living there for many years. He owned this property. His office was there and he opposed the transfer of this license very strenuously, and he claimed to be very greatly injured by the locating of that barroom next to his home and office.

I may speak, Mr. Chairman, about the Miller case, just a word. That is one of the four saloons located on E Street between Thirteenth and Fourteenth Streets, that I have already referred to. When the board handed out their list of grants of barroom licenses there were 297, leaving 3 vacancies; that is, leaving 3 to make 300. There were a great many applications filed for these 3 places—requests for applications. Many of them were not permitted to file, I understand, but I suppose there were 50 or 75 applications or efforts to file for these 3 places that were vacant. The Millers were one of the first to file, for Fourteenth Street, and others were not permitted at that time. We opposed this application, and I took the trouble to prepare some

law upon the question, and furnished it to the board at the hearing as a guide. The law, to my mind, was conclusive. I cited a number of cases, several decided in the Supreme Court of Massachusetts, and some in the Supreme Court of the State of New York, settling the same proposition without question. The board did not seem to care for that very much. It apparently had no effect upon them.

The CHAIRMAN. Settling what proposition?

Mr. SHOEMAKER. As to the changing of entrances in order to circumvent the law.

Senator JONES. Of course the members of the committee can not be here all the time, and I have been obliged to be out of the room at times. Has the situation been gone into with reference to those five saloons there?

The CHAIRMAN. That was gone into by Mr. Wilson.

Senator JONES. Then Mr. Shoemaker will not need to go over it again.

Mr. SHOEMAKER. No.

The CHAIRMAN. If you have anything to add to it besides what Mr. Wilson said, very well.

Senator THOMPSON. You said these cases decided the identical question?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. Will you put these cases in the record?

Mr. SHOEMAKER. Yes. I haven't that here; I have it at my office.

Senator THOMPSON. Put that in, with the authorities.

Mr. SHOEMAKER. Very well. There were some authorities.

The CHAIRMAN. Give it to us later.

Mr. SHOEMAKER. I then asked the board for a reference of the matter to the corporation counsel for consideration and his opinion. The board refused to refer it to the corporation counsel.

The CHAIRMAN. Refused to refer it?

Mr. SHOEMAKER. Yes.

Senator JONES. Did they expressly refuse to do it, or simply fail to do it?

Mr. SHOEMAKER. They said they would not do it.

Senator JONES. Did they give any reason for not doing it?

Mr. SHOEMAKER. No; they did not express any reason for it. They just refused to do it.

The CHAIRMAN. You said there were 297 licenses granted, and that left 3 open?

Mr. SHOEMAKER. Yes; when they handed out the results of their action on the 31st day of October there were 297 bar licenses granted, and that left 3 to make 300.

The CHAIRMAN. Was Miller among those?

Mr. SHOEMAKER. Miller was the first of the three granted.

The CHAIRMAN. He was one of the other 3 besides the 297?

Mr. SHOEMAKER. There were 3 more that were granted after the 297. We opposed the granting of that one. It made 4 saloons on one side of the block.

The CHAIRMAN. As I understood, the 3 on E Street had already been granted among the 297?

Mr. SHOEMAKER. Yes; and Miller's had been refused, and was 1 of the 2 that had been refused on that side of the street. There were 5 of them.

The CHAIRMAN. Under the law?

Mr. SHOEMAKER. Under the law.

The CHAIRMAN. He had been refused? He had made application and had been refused?

Mr. SHOEMAKER. Yes; with an entrance on E Street. He and Bush lost their licenses.

The CHAIRMAN. Afterwards Miller renewed his application for 1 of those 3 places which were still left open, for a license to do business as if he were on Fourteenth Street?

Mr. SHOEMAKER. On Fourteenth Street. In other words, they made application for a number on Fourteenth Street that did not exist at that time?

The CHAIRMAN. At the time he made his application for a number on Fourteenth Street, had he made his entrance on Fourteenth Street?

Mr. SHOEMAKER. He had not. There was no entrance there, and the day that the license was granted they knocked out the window, just leaving an ugly hole in there, and were doing business through that hole.

The CHAIRMAN. People were going in and out the window?

Mr. SHOEMAKER. Yes; they just tore the window out and people were going in and out there, and they had a temporary door next day.

The CHAIRMAN. He was in a hurry to do business?

Mr. SHOEMAKER. Yes; right away. I suppose that door was torn out within an hour after the license was granted. I observed it, and the barroom remained in the same place, and so far as I could see there had not been a bottle changed in the place. The only change I saw in it was the change in the location of the door on the corner.

Senator JONES. The same room is being used for a saloon there now that was used by Mr. Miller before his license was refused on E Street?

Mr. SHOEMAKER. The same room, and the same conditions.

Senator JONES. Exactly the same room, is it not?

Mr. SHOEMAKER. The same room.

The CHAIRMAN. In the same building?

Mr. SHOEMAKER. Yes, sir.

Senator JONES. The same building, and all?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. That is right opposite the New Willard Hotel?

Mr. SHOEMAKER. Yes, sir. The only difference is that they have a door on Fourteenth Street now instead of on E Street, and they have a window on E Street. There is just a few feet difference between them. I guess I need not say anything further about that case.

The CHAIRMAN. No.

Senator JONES. Mr. Shoemaker, do you know anything about the decision of the board to grant certain licenses on E Street on the 30th, I guess of October, and any change being made on the 31st?

Mr. SHOEMAKER. Yes, I know this, Senator, that the assessor, who is charged under the law with actually issuing the paper licenses, informed me that he had, on the morning of the 31st of October, been

instructed to make out Bush's license on the day previous, but that he had got instructions——

Senator JONES. State the three. What three had he been directed to make out?

Mr. SHOEMAKER. He had been instructed to make out the licenses for Shoomaker's, Gerstenberg's, and Bush's.

Senator JONES. That left out Miller?

Mr. SHOEMAKER. That left out Miller and Engel.

The CHAIRMAN. That was on the 30th?

Mr. SHOEMAKER. Yes, sir. He said that he had actually made out Bush's license, but that an order was given to him overnight to change the license from Bush to Engel.

Senator JONES. In other words, Bush's license was withdrawn and a license was issued to Engel?

Mr. SHOEMAKER. Yes.

Senator JONES. On the morning of the 31st he got this order?

Mr. SHOEMAKER. Yes; and he said that Mr. Bush went over to get his license, having been informed that it would be granted, and when he arrived he found that the change had been made.

The CHAIRMAN. Who represented Engel?

Mr. SHOEMAKER. Mr. Joseph Burkhart.

The CHAIRMAN. Who represented Bush?

Mr. SHOEMAKER. Julius I. Peyser, as I remember.

Senator JONES. Do you know of any reason why this change was made?

Mr. SHOEMAKER. I have no personal knowledge, Senator, in reference to that. I have been told some things about it, but I have not been able to verify those things.

Senator JONES. I think it will be well for us to ask the board about that.

Mr. SHOEMAKER. Yes.

Senator JONES. And find out what reasons they give, if any.

Mr. SHOEMAKER. I have heard reasons given from more than one source why it was done, and I think probably Mr. Peyser and Mr. Bush might possibly give some information.

Senator JONES. I think it would be well to have Mr. Peyser and Mr. Bush.

The CHAIRMAN. Yes. Is there anything else, Mr. Shoemaker?

Mr. SHOEMAKER. I have some other cases, Mr. Chairman, if you want me to go on with them. The "fire-limit" case I do not know whether you want me to say anything further about.

The CHAIRMAN. I think we understand that.

Mr. SHOEMAKER. You have that in the record, have you?

The CHAIRMAN. We practically have that in the record.

Senator THOMPSON. And the two saloons at Thirty-sixth Street?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. I will ask you this question about the fire-limit case: In changing the western fire limit from Thirty-fifth Street to Thirty-seventh Street, did the commissioners include the entire street, or just sufficient to take in the saloons?

Mr. SHOEMAKER. Just the saloon section, from Thirty-fifth to Thirty-seventh, and a square or two to the north.

The CHAIRMAN. Just a square or two to the north on those streets?

Mr. SHOEMAKER. Yes; as I recall it.

The CHAIRMAN. In other words, they just cut out a small segment there?

Mr. SHOEMAKER. A small segment.

The CHAIRMAN. Just large enough to take in those two saloons?

Mr. SHOEMAKER. Yes, sir; conveniently.

The CHAIRMAN. They did not take in the whole length of Thirty-seventh Street?

Mr. SHOEMAKER. No; not at all.

Senator JONES. Some supplemental legislation by another body?

Senator THOMPSON. What sort of proceeding was necessary to do that before the commissioners? What was necessary to be done?

Mr. SHOEMAKER. The commissioners, upon a petition presented to them by some of the people on M Street—

Senator JONES. Was any purpose given for it?

Mr. SHOEMAKER. No purpose was given for it, except better fire protection.

Senator JONES. These saloons were in existence, and this law would have cut them out?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. That is sufficient on that.

Mr. SHOEMAKER. One of the most important cases, I think I might say to you, is the Schladt case, where there is a hotel and barroom in Georgetown, at 1238 Wisconsin Avenue.

The CHAIRMAN. Was this place listed among the hotels in that list?

Mr. SHOEMAKER. As a restaurant. It is one of the restaurants I marked. Joseph Schladt has been frequently charged by the police with running a disorderly house, selling on Sunday, and so on, and he had a long record of offenses. He was convicted several times. This new board when it came in gave special consideration to it and issued a rule to show cause why his application for renewal of license should not be denied. At that hearing Capt. Schneider, of that precinct, appeared at our request and others appeared and gave testimony against him. I was able to get the captain to go back over the entire record since he had been in the precinct, and he gave that record, and despite all the record given and the character of the place clearly shown, that license was renewed.

The CHAIRMAN. What, exactly, was the character of this place? You say it was of bad character?

Mr. SHOEMAKER. It was charged several times with—well, the reports of the captain from time to time were that there was Sunday selling regularly; that it was a resort for women; and those two things were the principal charges against him.

The CHAIRMAN. Very well.

Mr. SHOEMAKER. This year when it came up for renewal we made no further effort to defeat it.

The CHAIRMAN. You do not know whether last year the immoral character of the place persisted?

Mr. SHOEMAKER. I have no knowledge about that—no information.

Senator JONES. The same man is running it?

Mr. SHOEMAKER. The same man is running it.

Senator JONES. Is that licensed as a hotel?

Mr. SHOEMAKER. No; it is licensed as a restaurant.

Senator JONES. What I mean is, has it a hotel license; not as a barroom, but is it a hotel?

Mr. SHOEMAKER. It is a hotel.

Senator JONES. Has it a hotel license?

Mr. SHOEMAKER. It has not 50 rooms.

Senator JONES. That is what I am trying to get at.

Mr. SHOEMAKER. A while ago I agreed to furnish a list of the hotels licensed.

Senator JONES. I wanted to know in this particular case if this is a hotel and if it has less than 50 rooms?

Mr. SHOEMAKER. It is a hotel having less than 50 rooms.

Senator JONES. And it has a restaurant license in order to get around that provision in the law?

Mr. SHOEMAKER. Yes.

Senator THOMPSON. I understand that wherever these restaurant licenses are issued they have a bar, just the same.

Senator JONES. Oh, yes.

Mr. SHOEMAKER. Yes. I think I have nothing to offer further, gentlemen, unless you have some questions to ask.

The CHAIRMAN. Do you think that the questions involved in the securing of the license are sufficient to justify the payment of a large fee to an attorney?

Mr. SHOEMAKER. I do not, Mr. Chairman. I think that the fees that have been charged; some that we know definitely about and others that we have heard rumors of, are away out of proportion to the service rendered. The case of the transfer of the license of Patrick McCarthy to the Evans Building, where the fee that was contracted for was \$5,500; so far as I could see, the work in that case was limited to the preparing of the contract and to the services of a young man soliciting petitioners in behalf of the transfer in the Evans Building, and some little outside, without result, among property owners, which probably took him a half a day, and the time given by the attorneys in presenting their case to the excise board did not require more than an hour and a half.

Senator THOMPSON. I presume the hearings before the excise board were rather informal, were they not?

Mr. SHOEMAKER. Rather informal.

Senator THOMPSON. It does not require any more skill and ability than to try a case in a police court, does it?

Mr. SHOEMAKER. Not at all.

Senator JONES. Is there any real necessity for an attorney appearing before the board for a man asking for a transfer of a license?

Mr. SHOEMAKER. I see no necessity for it, Senator.

The CHAIRMAN. As a matter of fact, all the questions are questions of fact, are they not?

Mr. SHOEMAKER. Yes.

The CHAIRMAN. I mean all the questions are almost purely questions of fact?

Mr. SHOEMAKER. Yes. They employ attorneys—I may say this as a matter of information—who appear there in behalf of their applications. These attorneys feel it necessary to cross-examine and sometimes browbeat protestants who come there, sometimes slap the table, and denounce opponents, and some of them have said to me “Why, we have to do that in order to impress our clients”; and as one said to me after he had been very strenuous in the trial of his case, when his client came out into the hall after it was over, he

said, "That is the way I like to see you do it." He says, "Give it to Shoemaker."

Most of the work by attorneys before the board is confined to but few. Now and then some attorney drops in with a case, but I suppose that 10 attorneys could be named who do 90 per cent of all the work before the excise board.

The CHAIRMAN. Do you receive any compensation for the work you do in particular cases?

Mr. SHOEMAKER. No; I do not—none at all. I receive a compensation by the year.

The CHAIRMAN. For representing the Anti-Saloon League?

Mr. SHOEMAKER. Yes, sir; for all work before the excise board, and not only there, but for any other legal work for the league.

The CHAIRMAN. Do you do other kinds of work for the Anti-Saloon League besides this?

Mr. SHOEMAKER. Yes, sir.

Senator THOMPSON. What is your salary?

Mr. SHOEMAKER. \$2,000.

Senator THOMPSON. You appear and try these cases and all cases, do you?

Mr. SHOEMAKER. Yes. My work for the organization has been so large that I have been precluded from looking after private work to a large extent.

The CHAIRMAN. You have appeared in many cases for the Anti-Saloon League before the excise board?

Mr. SHOEMAKER. The present board?

The CHAIRMAN. Yes.

Mr. SHOEMAKER. I think I have appeared in over 700 cases.

The CHAIRMAN. Have you anything else?

Senator JONES. I want to ask one question, so as to make something clear. I think I understand it, but some one asked me about it a while ago. There was something about Mr. Bride referring to Mr. Columbus and Mr. Baker collecting money from the saloon people. Did Mr. Bride say anything about the purpose for which this money was collected?

Mr. SHOEMAKER. No; he did not, Senator. He just made that remark in that way, and there was no opportunity to discuss it further.

Senator JONES. That is the way I understood your evidence, but I wanted to make it perfectly clear.

The CHAIRMAN. Is there anything else?

Mr. SHOEMAKER. No, sir; but Rev. Mr. White, of Anacostia, is here, and I should like to have you hear what he has to say about that situation over there, if you care to do so.

The CHAIRMAN. Very well, we will hear him briefly.

TESTIMONY OF REV. GEORGE LEROY WHITE.

(The witness was sworn by the chairman.)

The CHAIRMAN. State your full name.

Mr. WHITE. George Leroy White.

The CHAIRMAN. And your profession?

Mr. WHITE. Clergyman; Anacostia Methodist Episcopal Church.

The CHAIRMAN. Where do you reside?

Mr. WHITE. In Anacostia.

The CHAIRMAN. How long have you been officiating there?

Mr. WHITE. Two years the 1st of March. No; two years the 1st of April.

The CHAIRMAN. Were you a citizen of the District originally?

Mr. WHITE. No, sir.

The CHAIRMAN. Where are you from?

Mr. WHITE. Maryland.

The CHAIRMAN. Did you come from Maryland there?

Mr. WHITE. I came from Baltimore.

The CHAIRMAN. You are familiar with the proceedings which took place in connection with the licensing of the saloon in Anacostia?

Mr. WHITE. Very much so; yes, sir.

The CHAIRMAN. Will you briefly state your connection with it?

Mr. WHITE. I was chairman of the committee that made the fight.

The CHAIRMAN. On the part of the people?

Mr. WHITE. Yes, sir.

The CHAIRMAN. You would speak now on the barroom that is located there?

Mr. WHITE. I am willing to speak on anything you want me to speak on.

Mr. SHOEMAKER. Dr. White might explain the campaign there.

The CHAIRMAN. Yes; I am going to ask him about that now. You protested against the location of the barroom there?

Mr. WHITE. Yes.

The CHAIRMAN. There is a wholesale liquor house there, too?

Mr. WHITE. We protested against the whole thing.

The CHAIRMAN. When you came to Anacostia three years ago were there any saloons there?

Mr. WHITE. There was one retail place and there were two wholesale places.

The CHAIRMAN. One retail and two wholesale. Are they still there?

Mr. WHITE. One wholesale place has been declined—refused.

The CHAIRMAN. But the retail liquor house that was there when you went there is still operating?

Mr. WHITE. Yes, sir.

The CHAIRMAN. And it was against the renewal of its license by this excise board that you protested?

Mr. WHITE. Yes.

The CHAIRMAN. It was also against the renewal of the license of the present wholesale house?

Mr. WHITE. Yes.

The CHAIRMAN. You protested against that?

Mr. WHITE. Yes.

The CHAIRMAN. Now, go ahead.

Mr. WHITE. We made quite a vigorous campaign lasting as much as a year, I presume. We began in the winter with the attempts to transfer. As soon as it was known, of course, that this law would go into effect the first of November, men who were within the limit of the navy yard applied for transfer to Anacostia, and a man named Kean and a man named Athick began on that, and we were successful in getting those defeated. Then we started a campaign early last winter, I presume, against the three saloons we had at that time, two wholesale and one retail, and that lasted all the summer, more or less. We had a number of Senators and Congressmen speaking, and we

also had a card prepared. We had a twofold campaign. One was to have it declared a residence territory, and failing that, we were protesting against the individual applications; so that we had two cards prepared, one for each item, and we had the community canvassed. By count there are about 1,600 adults in Anacostia, and we had 800 persons sign our application. There is one church there, and of course these three applicants, were all members of that one church, and they were neutral—ostensibly neutral—and that was a pretty large church. Then there were friends of those, who would refuse to sign, and then a great many people who did not want to get into the fight. So far as I know, there were very few, if any, who were willing to come out openly in behalf of the saloon. We stood for the residence proposition. We were not told at all whether our position was accepted or refused. We never heard anything at all, but of course when the individual licenses were up for granting or rejection, we supposed then that we had been refused, and then we protested against each individual applicant.

The CHAIRMAN. You mean you tried to have the excise board declare that a residence territory?

Mr. WHITE. Yes, within the meaning of the law.

Senator THOMPSON. What was the situation as to the business in those particular blocks?

Mr. WHITE. There are 866 houses, thereabouts—there may be an error of 10 or 12, but anyway there are below 900 houses—in Anacostia, of all kinds. Ninety of these are business houses of some character, but in the majority of those 90 there is a residence above the business place. Just the downstairs front room is occupied by some kind of store, and the family, or some other family, is living there. But even granting that it is business, it only gives about 90.

Senator THOMPSON. Getting down to where this saloon was located, what was the situation in the block where it was?

Mr. WHITE. The retail place was at the corner of a block. Of course, it faces on Good Hope Road, and that particular road is undoubtedly 50 per cent business.

Senator JONES. All four sides of the block, or just one side of the street?

Mr. WHITE. Just one side. Of course, it is on the corner of Thirteenth Street. There is no business on Thirteenth Street. Extending all the way up, it is residence.

The CHAIRMAN. How far is the wholesale house from that?

Mr. WHITE. That is at the other end of what we call Anacostia.

The CHAIRMAN. Two or three blocks away?

Mr. WHITE. Yes; it is four blocks away.

Senator THOMPSON. I have not got in my mind yet how that is situated. Is it facing this business street you speak of, or on the business square?

Mr. WHITE. Good Hope Road is a new road, and that is at the corner of one block, and faces Good Hope Road; but of course it runs all the way back, and the side of it is on Thirteenth Street. There is no business on Thirteenth Street.

Senator THOMPSON. How about the other streets?

Mr. WHITE. On Good Hope Road there is business; but the wholesale place is clearly in residence territory.

Senator THOMPSON. Describe that location.

Mr. WHITE. I think there is some kind of a doctor has a place there. I would not call that business. It is his home. Then there is this place, and a little store, if I remember right—I do not know whether there are two stores or not, I think there is one—and the family lives above it. They have some kind of notion store. That is all there is of that, and a vacant lot.

Then across the street is a police station, and then some other vacant lots.

The CHAIRMAN. Does this wholesale place do any other business besides a liquor business?

Mr. WHITE. I think not.

The CHAIRMAN. It sells in packages under 5 gallons?

Mr. WHITE. Yes.

Senator THOMPSON. Has it one of these little railings in there to keep the children out?

Mr. WHITE. I have not been in it.

Senator THOMPSON. I thought maybe you knew from hearsay how it was.

The CHAIRMAN. Proceed, Doctor.

Mr. WHITE. This man who runs the wholesale place bears a good reputation as a law-abiding citizen.

The CHAIRMAN. How about the retail place?

Mr. WHITE. I have not any positive proof, although there are people who tell us on the side. I heard the other day that a minor had gotten liquor there, but I do not know that I could get enough proof to prove that; but the mother——

The CHAIRMAN. Is the place managed in a way offensive to the people there?

Mr. WHITE. No, sir. If we have got to have a saloon, I presume there is no objection to that man.

The CHAIRMAN. Yes.

Mr. WHITE. But the strong point is this, that we certainly gave a clear majority of the people in Anacostia of 21 years of age and over as opposing a saloon there; and they totally disregarded the majority idea and simply foisted that upon us.

Another strong point with us is that the law automatically closing the saloons contiguous to the navy yard would bring into our community an undesirable element of negroes and low-class whites.

Senator THOMPSON. How far are you from the navy yard?

Mr. WHITE. They are right across the river. This saloon is right across the river. I do not know how wide the river is, but I presume it is 1,000 feet wide. I presume the saloon is more than a thousand feet.

Senator THOMPSON. Where does the most of this man's business come from in that saloon?

Mr. WHITE. His business has been reported to me as greatly increased since the closing of the saloons by the navy yard.

The CHAIRMAN. Does it come mostly from the other side of the river?

Mr. WHITE. I think the increase would be from across the river.

Senator JONES. Most of the other business comes from Anacostia or Maryland points?

Mr. WHITE. There are people who drive in there. Of course, people can get in by Pennsylvania Avenue SE., extended, but a great many people come in through that Good Hope Road.

Senator JONES. He conducts that saloon legally?

Mr. WHITE. It seems so. It is legal; yes, sir. I have been told that he took on more clerks after these saloons at the navy yard were closed, and I do know that he has an automobile and has the signs of prosperity. We are very much chagrined.

Senator THOMPSON. Who conducts the wholesale place?

Mr. SHOEMAKER. John Madigan.

The CHAIRMAN. You say the people were very much chagrined and humiliated on account of the saloon being continued there?

Mr. WHITE. Yes. Our principal fight was against the retail man.

The CHAIRMAN. You feel that you are essentially a residence section?

Mr. WHITE. Yes.

The CHAIRMAN. Because only 90 of the 900 houses—that is about 10 per cent of the houses—of Anacostia are business houses?

Mr. WHITE. Yes; and more than 50 per cent of the 90 are occupied also as residences.

The CHAIRMAN. More than 50 per cent of the 90 are occupied as residences also?

Mr. WHITE. Yes.

Senator THOMPSON. Is the residence upstairs in these houses on this business street used?

Mr. WHITE. Oh, yes, indeed; not in every house, but generally speaking.

Senator THOMPSON. At the place where this saloon is located?

Mr. WHITE. There is opportunity for residence there, but nobody is living in it.

We once had no saloons in Anacostia. I have been told this, and I understand it is substantially correct, that the saloon was established at Leonard's location under the law about a hotel, and there were doors cut between several contiguous houses so that probably three or four houses were classified as one, and as a hotel, and the license was granted to that place as a hotel; but as the years went on, of course the community was not awake to everything that was going on, and the hotel was dropped and he got a barroom license. Of course that hotel business was not carried on, as you know, as a hotel very much, and that is the reason he got that license.

The CHAIRMAN. How many signatures were there to the petition protesting against the renewal?

Mr. WHITE. Eight hundred.

The CHAIRMAN. Did you say there were 1,800 people there?

Mr. WHITE. No; less than 1,600 by actual count.

The CHAIRMAN. Less than 1,600 by actual count?

Mr. WHITE. Yes.

Senator JONES. I understood you to say there were that many adults?

Mr. WHITE. Yes; adults; 21 years of age and over. Our card says "I, the undersigned, 21 years of age or over."

The CHAIRMAN. You had 800 adult signatures?

Mr. WHITE. Yes; on the cards. They are down here.

The CHAIRMAN. And there are less than 1,600 adults in Anacostia?

Mr. WHITE. Yes.

The CHAIRMAN. That is, adults—men or women?

Mr. WHITE. Men and women.

The CHAIRMAN. Is there anybody else here in the room who wants to testify?

Senator JONES. If there is not, Mr. Chairman, I suggest that we have an executive meeting now.

Senator THOMPSON. I want to ask Dr. White another question. State what the situation is in the neighborhood of this saloon with reference to the location of a church or schoolhouse, or anything of that kind.

Mr. WHITE. The Catholic Church is situated on V and Thirteenth Streets, its front entrance facing south, and, of course, the back of the church running north. This saloon is located on Good Hope Road and Thirteenth, facing north, with the saloon running south, and between the southern extremity of the saloon and the northern extremity of the church there certainly can not be much over 250 feet, or 300 feet at the outside, but it is probable that the front entrances of the two buildings may be 400 feet apart.

Senator JONES. Is there a rear entrance to the church?

Mr. WHITE. I think there is, but it is not used much.

Senator JONES. Well, there is an entrance?

Mr. WHITE. I would not say that. There is a room going out there, probably used by the priest for some purpose, and probably steps leading down.

Senator JONES. You see the law says between the nearest entrances. It does not say between the front entrance of the saloon and the front entrance of the church.

The CHAIRMAN. Is there a rear entrance to the saloon?

Mr. WHITE. There is a back door and a gate. You could go in there if you wanted to.

Senator JONES. Did you base any protest on the nearness of the church?

Mr. WHITE. No, sir.

Senator THOMPSON. What is the situation of the wholesale house with relation to a school?

Mr. WHITE. I do not know, but there is a large colored school over there. It may be 400 feet away, but it is a very close measurement.

Senator THOMPSON. Could you ascertain what the fact is in regard to it?

Mr. WHITE. There is the whole question, as to how you measure. If you measure in a straight line——

The CHAIRMAN. A straight line between the nearest entrances?

Mr. WHITE. A straight line——

The CHAIRMAN. The line that a man would travel over a public right of way?

Senator THOMPSON. The shortest course of travel?

Mr. WHITE. Some people go across this way and some that way, or some can go this way [indicating].

Senator THOMPSON. Is it a public course of travel in a straight line?

Mr. WHITE. Oh, the street is running along there [indicating].

Senator JONES. That is a public right of way.

Senator THOMPSON. That is a public course.

Mr. WHITE. You can cross over at right angles and go down that way [indicating].

Senator JONES. Is there any house near to the retail saloon?

Mr. WHITE. No, sir.

(At 6.15 o'clock, p. m., the committee adjourned until to-morrow, Thursday, February 25, 1915, at 10.30 o'clock, a. m.)

**INVESTIGATION OF THE CONDUCT OF THE EXCISE
BOARD OF THE DISTRICT OF COLUMBIA**

HEARINGS

BEFORE THE

**SPECIAL COMMITTEE OF THE
UNITED STATES SENATE**

SIXTY-THIRD CONGRESS

THIRD SESSION

PURSUANT TO

S. RES. 522

**A RESOLUTION AUTHORIZING THE SPECIAL COMMITTEE OF
THE SENATE TO INVESTIGATE FULLY INTO THE MAN-
NER IN WHICH THE EXCISE LAW, SO CALLED,
IS BEING ADMINISTERED IN THE
DISTRICT OF COLUMBIA**

PART 3

Printed for the use of the Special Committee

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INVESTIGATION OF THE CONDUCT OF THE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

THURSDAY, FEBRUARY 25, 1915.

SPECIAL COMMITTEE,
UNITED STATES SENATE,
Washington, D. C.

The special committee met, pursuant to adjournment, at 10.30 o'clock a. m., in the room of the Committee on Indian Affairs of the Senate, in the Capitol.

Present: Senators Sheppard (chairman), Thompson, Jones, and Dillingham.

TESTIMONY OF ROBERT G. SMITH.

(The witness was sworn by the chairman.)

The CHAIRMAN. State your full name.

Mr. SMITH. Robert Gibson Smith.

The CHAIRMAN. What is your official position?

Mr. SMITH. Chairman of the excise board for the District of Columbia.

The CHAIRMAN. How long have you been a resident of the District of Columbia?

Mr. SMITH. Since September 8, 1906.

The CHAIRMAN. Where did you come from here?

Mr. SMITH. Principally from Long Island. I had been a resident of Jersey City until a little before that time, and came down to Virginia, near Mount Vernon, where I purchased a farm, and I lived in the city of Washington.

The CHAIRMAN. When did you become chairman of the excise board?

Mr. SMITH. On the 15th of April of last year.

The CHAIRMAN. The law requires that an inspector for the board shall be appointed. Have you an inspector?

Mr. SMITH. Yes.

The CHAIRMAN. What is his name?

Mr. SMITH. Waldo C. Hibbs.

The CHAIRMAN. What are his duties?

Mr. SMITH. He, under the orders of the board, attends to inspections, and other duties as they are put upon him, but largely, owing to the great number of inspections the board has had to make, he has either accompanied the board on the inspections or acted as stenographer at the hearings. He is the only stenographer the board has or may have under the law.

The CHAIRMAN. What was his occupation before he was appointed inspector?

Mr. SMITH. I am not just sure, but he was in the office of one of the Commissioners of the District of Columbia and had been there for a number of years.

The CHAIRMAN. Has he been a resident of the District for some years?

Mr. SMITH. Oh, yes; he was a former newspaper man and a resident here for the best part of his life.

The CHAIRMAN. He stated in his testimony that he had been directed to make no inspections since November, 1914. Why is it that he has not made any inspections?

Mr. SMITH. Mr. Chairman, the work of transcribing the notes from 523 hearings, held in October and September last, occupied his time very thoroughly, and he is not quite through yet.

The CHAIRMAN. He was appointed under the law requiring the board to have an inspector, not a stenographer to transcribe hearings?

Mr. SMITH. Quite so, but it is the only means the board has of obtaining that character of service.

The CHAIRMAN. Are you not allowed a clerk?

Mr. SMITH. We have a clerk.

The CHAIRMAN. What is his salary?

Mr. SMITH. \$1,500 a year.

The CHAIRMAN. And the salary of the inspector is \$1,500 a year?

Mr. SMITH. Yes. That is under the law.

Senator JONES. Why did not the board select a stenographer for a clerk?

Mr. SMITH. I do not know. The clerk is an efficient man. He might take notes in longhand, he is so efficient, but we had Mr. Hibbs employed before we employed Mr. Hart, the clerk.

Senator JONES. Do you not think that it is more the clerk's duty than the inspector's duty to do the stenographic work?

Mr. SMITH. I agree with you, but we had to make the best of the material at hand to aid us, and with such a problem before the board we considered it rather inadequate and made the best we could of it.

Senator JONES. Could you not have found a stenographer who could have acted as clerk?

Mr. SMITH. I doubt whether we could have gotten one.

Senator JONES. Who is the clerk of the board?

Mr. SMITH. Mr. Hart.

Senator JONES. Where was he selected from?

Mr. SMITH. He comes from New Jersey.

Senator JONES. Who selected him?

Mr. SMITH. I did.

Senator JONES. On whose recommendation?

Mr. SMITH. He came to me with a letter from some friend or friends in New Jersey, or Jersey City particularly, and I do not just recall the name.

Senator JONES. Did you know him before you selected him?

Mr. SMITH. I did not; but I had a very long and favorable acquaintance with his father.

Senator JONES. It was not represented that he was a stenographer?

Mr. SMITH. It was not.

Senator JONES. You did not make any inquiries as to whether he was a stenographer?

Mr. SMITH. To be candid, I did not.

Senator JONES. What political influence did Mr. Hart have?

Mr. SMITH. Not any that I am aware of.

Senator JONES. There were no political indorsements or letters handed in on his behalf?

Mr. SMITH. Not any at all. I knew his father, and I thought if he was a chip of the old block, or represented the block at all, he would be good enough for me.

Senator JONES. He lived in Jersey City?

Mr. SMITH. Yes.

Senator JONES. That was his home at the time he was appointed?

Mr. SMITH. Yes.

Senator JONES. Was he appointed before or after the inspector was appointed?

Mr. SMITH. My impression is that he was appointed after, but he may have been appointed before. I will not be sure on that point. The record we have in the office would show that.

Senator JONES. Has the board ever recommended any additional help?

Mr. SMITH. Not any; except perhaps a messenger, which the law provides for.

Senator JONES. How do you expect Mr. Hibbs to do the inspection work, if he has to do the stenographic work all of the time?

Mr. SMITH. Senator, the board so far has visited every situation, every place, where an application has been made for license or transfer.

Senator JONES. Do you not understand that the principal duty of the inspector is to look after those places after they are licensed and see that they are complying with the law?

Mr. SMITH. That has been done measurably.

Senator JONES. Who has done it?

Mr. SMITH. The inspector.

Senator JONES. The inspector stated the other day that he had not made any inspections since the 1st of November.

Mr. SMITH. Probably not.

Senator JONES. That is the time these licenses were granted; and he said he had not been directed by the board to do it, either.

Mr. SMITH. No; I guess he had not.

Senator JONES. When do you expect him to make these inspections to see whether or not these licensed places are complying with the law?

Mr. SMITH. That has not yet been taken up and decided, but the board itself keeps in constant touch with the conduct of affairs in the several licensed places.

Senator JONES. Has the board made any inspection of these saloons since the 1st of November?

Mr. SMITH. I think not in a general way. Special inspections have been made.

Senator JONES. What special inspections have been made?

Mr. SMITH. Several of the places along Seventh Street SW. have been inspected.

Senator JONES. When were they visited?

Mr. SMITH. In January.

Senator JONES. By whom?

Mr. SMITH. By the board, consisting of Mr. Bride, Mr. Baker, and myself.

Senator JONES. Did you all three go?

Mr. SMITH. We all three went.

Senator JONES. You all went together?

Mr. SMITH. Yes.

Senator JONES. What time in the day did you go?

Mr. SMITH. Sometimes we would leave at 10 o'clock in the morning and at other times at 2 o'clock in the afternoon.

Senator JONES. How often have you made these special examinations since the 1st of November?

Mr. SMITH. Not any except that once.

Senator JONES. How many saloons did you visit at that time?

Mr. SMITH. Well, without being positive as to the number, probably half a dozen or eight.

Senator JONES. Did you make any record as to the result of your visit?

Mr. SMITH. No. Finding everything O. K., we made no note of it.

Senator JONES. Those are the only places, however, that you visited?

Mr. SMITH. I think so; yes.

Senator JONES. What places did you visit?

Mr. SMITH. I do not recollect them by name.

Senator JONES. Where were they located on Seventh Street?

Mr. SMITH. I have not the location in mind, Senator. We go along the street, and if we have not a list, we stop at every place indicated as a saloon by its exterior appearance.

Senator JONES. What did you do on this inspection?

Mr. SMITH. We go in and look as to the sanitary conditions and the general conduct from external appearances.

Senator JONES. You have never been around in the city to inspect these saloons during the hours they are required to be closed, have you?

Mr. SMITH. No.

Senator JONES. You have not seen whether they have complied with the provisions of the law with reference to closing?

Mr. SMITH. No. Such work would seem to us, under the law, to be imposed upon the police.

Senator JONES. What do you think about that provision in the law that vests the inspector with police powers? Do you not think that mean something?

Mr. SMITH. That may be necessary when he goes on an inspection. I have never noticed any indication of obstruction during our inspections, and we have visited five or six hundred places.

Senator JONES. Do you not think that was put in the law in order to give him the powers of a policeman to see that the law is being carried out?

Mr. SMITH. Exactly.

Senator JONES. Why is it that the board has not directed him to make inspections to see that the law is complied with?

Mr. SMITH. The board has not thought it necessary. It has thought that inspections sufficient have been made by the board itself.

Senator JONES. You have made out of him simply a clerk?

Mr. SMITH. Largely so, yes.

The CHAIRMAN. What have you to say with regard to the saloons that are claimed to be within 400 feet of houses of religious worship,

public school houses, colleges and universities? There are 21 here in a list that I have, which are claimed to be within that distance. You are familiar with them, are you not?

Mr. SMITH. Somewhat.

The CHAIRMAN. Will you tell us what the method of the board is in making these measurements?

Mr. SMITH. The measurements by the board are made by its members on the right-angle course.

The CHAIRMAN. You say by the right-angle course. How far do you proceed from the entrance on a straight line before you turn on a right angle?

Mr. SMITH. To about the middle of the sidewalk, or path; taking the middle course, owing to the right of way given to pedestrians to keep to the right. If you were bound in that direction, you would naturally keep to the right there, and taking the center path as a conservative course.

The CHAIRMAN. Some of the sidewalks of the city of Washington are unusually wide, are they not?

Mr. SMITH. They are beautiful sidewalks and rather wide, some of them.

The CHAIRMAN. The law requires that the measurements should be made by the shortest course of travel from entrance to entrance. Why did you adopt the method of going out to the middle of a wide sidewalk and making these measurements, instead of turning as soon as you got to a comfortable distance from the door in which a man could turn in going to the church or the schoolhouse?

Mr. SMITH. There had to be a rule to govern the board in its decisions as to measurement, and we adopted the right-angle course, and in order to be consistent took from the door out to the point at which you must turn at right angles to the right or to the left.

The CHAIRMAN. Exactly; but you could pursue the right-angle course and turn after you got 18 inches or 2 feet from the front of the door.

Mr. SMITH. Not always, sir.

The CHAIRMAN. Why do you say not always.

Mr. SMITH. There may be such a thing as parking, over which the occupant of the premises has no control, and the turning to the right or to the left 18 inches from the doorway may be interfered with by that parking.

The CHAIRMAN. But suppose there is no obstruction there?

Mr. SMITH. The board feels that you can not have one course for one applicant and another for another.

The CHAIRMAN. Have you laid down in published form the rule in that regard?

Mr. SMITH. No. We have consistently lived up to that habit or rule, however.

Senator JONES. Mr. Smith, I want to understand about this right-angle measurement. Suppose this is a church on one side of the street, and here is a saloon over here on another street, this being a public street here, and you want to measure from the nearest entrance of this saloon to the nearest entrance of the church (indicating). Do you mean that you would go straight up on the sidewalk until you got opposite the church entrance and then go across at right angles?

Mr. SMITH. No.

Senator JONES. Or do you mean that you would go up to the crossing of the other street across there and then go down? How would you measure?

Mr. SMITH. We would not take any radical rule for enforcing our method of measurement; and where the church door is directly opposite a saloon, the board would decide to refuse to a license because of its proximity, its dangerous proximity, to the church.

Senator JONES. Do not go on with that now. I want you to come right here to my example. Here is a saloon over here across the street, and farther down here is a church. I want to know how you would measure from the nearest entrance of the saloon to the nearest entrance of the church?

Mr. SMITH. In that case, both being near to their respective corners, the church to one corner and the saloon to the other one, we would take the course in that way.

Senator JONES. What do you mean by "that way"? You would go up the sidewalk to the crossing and then across at right angles and then down to the entrance?

Mr. SMITH. Yes.

Senator JONES. Why not go straight across the public right of way, diagonally?

Mr. SMITH. I say we might do it in that case, where one is almost opposite the other.

Senator JONES. Would you do it?

Mr. SMITH. I do not know. I know of one case, that of Gabriel, where we did not do it.

Senator JONES. You say you have adopted a general rule that you have been consistent in following all of that time. According to that rule, would you do that?

Mr. SMITH. The exception once in a while proves the rule.

Senator JONES. In other words, you have applied your rule of measurement as you saw fit with reference to each particular place, have you not?

Mr. SMITH. To some extent.

Senator THOMPSON. You have not applied the rule of the shortest course of travel?

Mr. SMITH. I think we have; yes.

Senator THOMPSON. You say that turning square corners would be the shortest course—the natural way—to travel in going from the saloon to the church?

Mr. SMITH. I think so, consistent with the local law on the subject.

Senator THOMPSON. You think the police regulations should overturn the law which provides for the shortest course of travel?

Mr. SMITH. I say that everybody has to pay due regard to the law of the land—the law of the municipality.

Senator THOMPSON. Do you not think that the law of the United States Government should also be followed, as well as the police regulations?

Mr. SMITH. I know of only one way, and that is to have harmony in applying the law.

Senator THOMPSON. Do you not think there would be complete harmony by following the shortest course of travel always, without exception, according to the law on the question?

Mr. SMITH. I take it that we have followed the shortest course of travel.

Senator THOMPSON. Your idea is that the turning of square corners is the shortest course of travel within the meaning of the law?

Mr. SMITH. When you consider the police regulations which govern the pedestrian on the sidewalk or the street, yes.

Senator THOMPSON. Then you permit the police regulations to overturn the law in that respect?

Mr. SMITH. I do not say that.

The CHAIRMAN. Is there anything in the police regulations requiring a man on leaving the entrance on a street to go out to the center of the sidewalk before he turns either way in walking along the sidewalk?

Mr. SMITH. No; but the members of the board would have difficulty in determining just how close he might go. He might be obstructed, and might have to walk out a little bit.

The CHAIRMAN. Then you have added something to the police regulations?

Mr. SMITH. No, sir.

The CHAIRMAN. Your idea is that a man on leaving the entrance must go out to the center of the sidewalk, no matter how wide it is?

Mr. SMITH. Not "must." He may have to do it and probably he might do it, as when a man is coming from a saloon he might meet some one else, and he would have to go right to the center of the sidewalk.

Senator THOMPSON. Is that your explanation of the difference in these measurements?

Mr. SMITH. Such as——

Senator THOMPSON. There are 21 different places here in this list that has been submitted, where it is claimed there have been violations of the law. Each place it is claimed is located within 400 feet of a house of religious worship, a public schoolhouse, a college, or a university. Is that your explanation in all of these cases?

Mr. SMITH. Yes, I expect so, except also that the former board took the same view of the situation as to measurement as the present board does, and placed licensees in locations that are counted among those 21—or 18, I think there were.

Senator THOMPSON. If you are making a measurement from a saloon to a schoolhouse or church, if you ascertain by the square-corner measurement that it is 401 feet, you permit the saloon to operate. Is that it?

Mr. SMITH. It may be permitted, being over 400 feet.

Senator THOMPSON. Do you remember any case where you ever refused it when it was within that limit?

Mr. SMITH. I do not at the present time.

Senator THOMPSON. Do you not think that it would be consistent and within the policy of the law to resolve that difference of 1 foot in favor of the decency of the neighborhood?

Mr. SMITH. Yes.

Senator THOMPSON. In favor of the school or in favor of the church rather than in favor of the saloon?

Mr. SMITH. Yes. Without any question, if there are conditions in evidence that would make it most desirable to abandon the saloon, the board would do it and do it gladly.

Senator JONES. Did you ever do it in any case?

Mr. SMITH. Senator, I do not recall individual cases.

Senator JONES. You do not remember any case where the difference was 1 or 2 feet, and you cut it out, resolving the doubt against the saloon?

Mr. SMITH. I do not recall any just now.

The CHAIRMAN. Are you familiar with the conditions as to parking in front of the saloon of John E. Mergner, 415 East Capitol Street?

Mr. SMITH. I have been there and measured the distance to the school around the corner.

The CHAIRMAN. Is there an iron fence running on one side of the entrance to that saloon at that place, nearly crossing the sidewalk?

Mr. SMITH. Out to the sidewalk, I thought.

The CHAIRMAN. How long is that fence, do you remember?

Mr. SMITH. I would not like to say, but my recollection places it about 30 feet, I should say from memory.

The CHAIRMAN. Do you remember making the measurement from the entrance of the saloon to the public school near there?

Mr. SMITH. Yes, sir; we did. By "we" I mean the board.

The CHAIRMAN. You measured first along the length of the fence, and after you passed the fence you turned and went toward the school-house?

Mr. SMITH. That was the only thing we could do, sir, unless we stepped over the fence.

The CHAIRMAN. Was it brought to your attention that that fence was put up there after this law went into effect?

Mr. SMITH. No. I thought if it had no business being there the proper authorities would have it removed.

Senator JONES. It came out from the parking, did it not?

Mr. SMITH. Yes; it was on the parking, Senator.

Senator JONES. And there was an entrance through that on one side, away from the school, so people could come through it—a little gate?

Mr. SMITH. I think there was a gate, but it was locked when we were there.

Senator JONES. With a padlock?

Mr. SMITH. I do not recall the character of lock, but I think likely a padlock.

Senator JONES. Did you make any inquiries as to why it was locked.

Mr. SMITH. No, sir.

Senator JONES. You did not make any inquiries about that situation, did you, as to why that fence was put out there, or as to when it was put out there?

Mr. SMITH. Conditions, as we find them, govern.

Senator JONES. You make no investigation to see whether a thing has been put up to evade the law; you simply take it as you see it?

Mr. SMITH. The conditions that exist at the time of the inspection, sir.

Senator JONES. You do not consider that you are to see whether or not the spirit and intent of the law are being deliberately evaded or violated?

Mr. SMITH. If such a condition was made manifest we would take notice of it.

Senator JONES. Was it not pretty manifest when this fence was built out over the parking there?

Mr. SMITH. That was a regulation for the Federal authorities, I take it, and if it was not proper that it should be there they would have had it removed.

Senator JONES. If you thought it was improperly there, you would, notwithstanding, go on and grant a license?

Mr. SMITH. We never viewed that side of the situation.

Senator JONES. Was not that situation presented to you when the application for license came up, and was not that called to the attention of the board?

Mr. SMITH. I do not recall that.

Senator JONES. You do not know whether it was or not?

Mr. SMITH. I do not.

Senator JONES. The records will show, will they not?

Mr. SMITH. The record ought to show.

Senator JONES. Suppose the record shows that, as a matter of fact, this fence was put out there after the law was passed and that the evident purpose of it was to evade the law, do you not think that the board acted improperly in granting a license under such a situation as that?

Mr. SMITH. I think if the board knew that it was put there as a subterfuge only to obtain a license, and if, notwithstanding that and in possession of that statement, the board granted a license, it may be considered improperly done.

Senator JONES. The record, then, will show with reference to that?

Mr. SMITH. I do not know whether I brought that. That is not one of the cases you asked for.

Senator JONES. We will ask for it.

Mr. SMITH. All right, sir.

The CHAIRMAN. I will ask you now to send us the record in that case.

Mr. SMITH. I shall be glad to, Senator.

The CHAIRMAN. You are familiar with the location of the saloon of Miller Bros., at the corner of Fourteenth and Pennsylvania Avenue?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Are there not three saloons in that block on the E Street side, next to Pennsylvania Avenue, besides Millers'?

Mr. SMITH. Yes; Gerstenberg's, Shoomaker's, and Engel's.

The CHAIRMAN. Miller Bros. originally had their entrance on E Street, facing Pennsylvania Avenue?

Mr. SMITH. Facing E Street.

The CHAIRMAN. They changed that entrance around to the Fourteenth Street side and were granted a license, were they not?

Mr. SMITH. Yes, sir. They were first refused a license on E Street, and some two or three weeks afterwards they made application for a new license situated on Fourteenth Street, or around the corner from the former entrance, for the same saloon.

The CHAIRMAN. The location of the saloon, however, was not changed at all?

Mr. SMITH. Not a bit.

The CHAIRMAN. Do you not regard that as a subterfuge?

Mr. SMITH. I do not think so, Senator. The law has been strictly complied with.

The CHAIRMAN. The law probably has been technically complied with, but as a matter of fact there are four saloons up there on the one side of that block.

Mr. SMITH. I do not so regard it.

Senator JONES. Do you think that is conclusive?

Mr. SMITH. Because I think so, that does not make it so.

Senator JONES. The saloon is exactly the same as it was before, except the entrance?

Mr. SMITH. The entrance is different from before, and that is all.

Senator JONES. But the saloon is just the same, except the entrance?

Mr. SMITH. Yes, sir; except the entrance.

Senator JONES. The law does not say that there shall not be more than three entrances on a block, does it? It says not more than three saloons. Do you construe that to mean entrances?

Mr. SMITH. The Miller Bros. can not do business on E Street.

Senator JONES. They are doing business on E Street. Their saloon is on E Street, and the entrance is on Fourteenth.

Mr. SMITH. I do not so regard it, Senator.

Senator JONES. They are doing business just as they did before, except that they have a different entrance?

Mr. SMITH. Correct.

Senator JONES. And they are doing it in the same space exactly?

Mr. SMITH. Yes, sir.

Senator JONES. And just exactly in the same place where you refused the license before. Is not that correct?

Mr. SMITH. A change only as to door.

Senator JONES. Only as to door and entrance. You consider that as a change of business, a change in the place of business?

Mr. SMITH. I do.

Senator JONES. You do not consider that an evasion of the law?

Mr. SMITH. I do not.

Senator JONES. Either in spirit or letter?

Mr. SMITH. I do not think so, Senator.

Senator THOMPSON. Do you not regard that as a subterfuge in order to get a license?

Mr. SMITH. I do not think so, Senator.

Senator THOMPSON. You do not?

Mr. SMITH. Really.

Senator THOMPSON. Any more than the building of a fence to make the distance a little bit farther, or the making of a flower bed or grass plot?

Mr. SMITH. No; about the same.

The CHAIRMAN. Gen. Smith, who represented Mr. Miller at the hearing at which his license was granted?

Mr. SMITH. Mr. M. P. Sullivan.

The CHAIRMAN. A lawyer?

Mr. SMITH. I do not know whether he is a lawyer or not. He is a handy man in talking, and represented many an applicant.

The CHAIRMAN. Were there not five saloons on that side of the block before this law went into effect?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Who owned those saloons?

Mr. SMITH. Mr. Bush, Mr. Engel, Mr. Shoomaker, Mr. Gerstenberg, and the Miller Bros.

The CHAIRMAN. The board first decided to grant licenses to Gerstenberg, Shoomaker, and Bush, did it not?

Mr. SMITH. It did.

The CHAIRMAN. Did you not instruct the assessor to issue a license to Mr. Bush on October 30, 1914?

Mr. SMITH. I do not know that the notice had gone forth to the assessor. It may have.

The CHAIRMAN. Why did you decide to turn Mr. Bush down on October 30 and issue a license to Mr. Engel instead?

Mr. SMITH. The board thought it was quite within its rights to do so. It was not yet too late, and believing that the best interests of the interested persons would be served, it changed from Bush to Engel. Mr. Engel was seriously involved, and Mr. Bush had a good lively business outside of the liquor business; and following a rule of the board, it does the least damage possible to either personal or property interests.

The CHAIRMAN. Was not that all brought out before you decided to grant the license to Bush?

Mr. SMITH. No, sir.

The CHAIRMAN. Who brought it to your attention?

Mr. SMITH. We discovered it somehow on Friday evening.

The CHAIRMAN. On Friday evening, the 30th?

Mr. SMITH. Friday, the 29th, was it not? Well, that is immaterial. It was on Friday evening.

The CHAIRMAN. How did you discover it?

Mr. SMITH. I do not just recollect. We talked as we were signing the jackets, and when we came to either one or the other of them the discussion came up, and we decided that the best interests would be served by changing those two around.

The CHAIRMAN. You mean a discussion within the board itself?

Mr. SMITH. I think so.

The CHAIRMAN. Was there an executive session?

Mr. SMITH. Yes, sir.

Senator JONES. Gen. Smith, you had had hearings on these different applications, had you not?

Mr. SMITH. Yes, sir.

Senator JONES. Rather extensive hearings?

Mr. SMITH. Yes, sir.

Senator JONES. And the board had reached the conclusion that it should grant licenses to Bush, Gerstenberg, and Shoomaker?

Mr. SMITH. Yes, sir.

Senator JONES. And you had formerly taken action to that effect?

Mr. SMITH. Yes, sir.

Senator JONES. And this was up to the 30th of October?

Mr. SMITH. If the 30th was Friday evening.

Senator JONES. These gentlemen had appeared before you by their attorneys, had they not?

Mr. SMITH. Both in person and through representatives.

Senator JONES. And you thought all the facts had been brought to your attention, did you, when you granted the license?

Mr. SMITH. I expect so.

Senator JONES. You know whether you did or not, do you not?

Mr. SMITH. Yes, sir; I suppose we did.

Senator JONES. Who brought any additional facts to your attention with reference to Bush and Engel and their business affairs?

Mr. SMITH. I do not recall, Senator.

Senator JONES. Did anybody?

Mr. SMITH. We were signing up the applications, for or against, and discussion centered on one or two of these applications as the work was going on.

Senator JONES. What led to any further discussion with reference to these? You had already decided who should have the licenses; and do you not know that as a matter of fact you had directed the assessor to issue the licenses?

Mr. SMITH. I do not know that, Senator; but I am willing to admit that it may have been done without my knowledge. The clerk may have forwarded the list to the assessor before the time of announcement, which was Saturday morning.

Senator JONES. He had been directed to do that?

Mr. SMITH. I have no doubt, but I can not recall that particular instance out of 412.

Senator JONES. You seem to recall that some special information had been brought to your attention with reference to Engel and Bush?

Mr. SMITH. There are many cases that have been brought to my attention through the press and the investigations held here. That is the only way that I know it.

Senator JONES. Had any attorneys approached you or the other members of the board, to your knowledge, calling your attention to additional facts with reference to Mr. Engel or Mr. Bush?

Mr. SMITH. Not a soul, Senator.

Senator JONES. Had anybody telephoned to you or the board suggesting that a change should be made?

Mr. SMITH. Absolutely no one, without any equivocation.

Senator JONES. Had any Senator or Representative spoken to you about either Mr. Bush or Mr. Engel?

Mr. SMITH. I can not recall that they did—those particular ones.

Senator JONES. You do not remember, then, whether they did or did not?

Mr. SMITH. Whether they did or did not; no, sir.

Senator JONES. You may have been spoken to by a Senator or Representative?

Mr. SMITH. Not at that particular time.

Senator JONES. I am not asking about any particular time; I am asking you about Mr. Engel and Mr. Bush.

Mr. SMITH. I may have been spoken to some time during the pendency.

Senator JONES. Do you remember whether or not any Senator or Representative spoke to you about Mr. Engel or Mr. Bush after you had decided to give Mr. Bush his license?

Mr. SMITH. Not any at all.

Senator JONES. Had any representative of any of the brewing interests spoken to you about it?

Mr. SMITH. Not any at all.

Senator JONES. Had any representatives of any political organizations spoken to you about it?

Mr. SMITH. Not any at all, Senator.

Senator JONES. What particular facts about Mr. Engel's financial condition were brought to your attention after you had decided to give Mr. Bush his license?

Mr. SMITH. That they had spent a great deal of money on the premises and had been doing an unpaying business and were seriously involved financially.

Senator JONES. You remember that very distinctly?

Mr. SMITH. I remember that before the hearing—before the writing up of the announcement of for or against.

Senator JONES. You remember that very distinctly. Who told you that?

Mr. SMITH. I do not recall.

Senator JONES. You can not remember that?

Mr. SMITH. It was neither a lawyer nor anyone interested in the business nor interested in Engel, that I can recall.

Senator JONES. How do you know that, if you do not remember anything about who it was?

Mr. SMITH. Well, I suppose there are some things that remain, or come to your attention while talking or acting, when a thing is not indicated by any other means.

Senator JONES. What information came to you about Mr. Bush's condition after you had decided to grant him a license?

Mr. SMITH. Well, it had appeared at the hearing that Mr. Bush had a good business outside of the liquor business.

Senator JONES. So there was not any additional information that came to you about Mr. Bush?

Mr. SMITH. Oh, not any; we just decided to change without any request from any outside source.

Senator JONES. You said that you got some information.

Mr. SMITH. That was before the hearing, Senator.

Senator JONES. I understood you to say a moment ago that you got some information about Mr. Engel after you had decided about the license, showing what he had expended, and his financial condition.

Mr. SMITH. I would like to be made clear on that.

Senator JONES. That is what we want.

Mr. SMITH. I, personally, received no request or information from anyone during the Friday night or Friday afternoon that these licenses were being signed up. Exercising the privilege of a member of the board, I changed my mind about which of these two to grant.

Senator JONES. Did the other members change their minds?

Mr. SMITH. They evidently did. They voted against Bush and for Engel.

Senator JONES. Did you explain to the other members of the board that you had changed your mind?

Mr. SMITH. They knew it.

Senator JONES. Did you tell them why?

Mr. SMITH. They knew it.

Senator JONES. Did you tell them why you had changed your mind?

Mr. SMITH. I changed my mind because of the desire to do the least amount of damage—

Senator JONES. I did not ask you that, General. I asked you if you told the other members of the board why you had changed your mind.

Mr. SMITH. Why, Senator, we were sitting at the table, three of us, and signing these things, and it came up in discussion when we came either to Bush or Engel, and it may have been me who said, "I think we are doing a wrong here."

Senator JONES. Do you remember whether you said that or not?

Mr. SMITH. Well, it was in general conversation. I may have said that in some other way.

Senator JONES. I know you may have, but I want to know whether you did or did not.

Mr. SMITH. I do not recall doing it.

Senator JONES. Did the other members of the board express their reasons for changing their minds?

Mr. SMITH. In a general way we talked about the thing, but I do not know that they said why they would change their minds. They each wanted it made.

Senator JONES. Who made the motion to change?

Mr. SMITH. I do not know that.

Senator JONES. Will your records show?

Mr. SMITH. No, sir; they do not show the form of vote. We consider the cases and act upon them and keep a record of the action, generally—who was present, etc.

Senator JONES. Was Mr. Sheehy a member of the board then?

Mr. SMITH. No, sir.

Senator JONES. Mr. Bride and Mr. Baker were members?

Mr. SMITH. Yes, sir.

Senator JONES. As a matter of fact, did not Mr. Baker suggest that the license should be changed from Mr. Bush to Mr. Engel?

Mr. SMITH. I do not think so, Senator.

Senator JONES. Did Mr. Bride?

Mr. SMITH. I can not say. I can not tell you who it was brought the thing up, unless it was myself, saying "Perhaps we made a mistake here. Let us see," and we talked about it.

Senator JONES. You talked about it, then, did you?

Mr. SMITH. We talked about it, the three of us, among ourselves, without any outside influence whatever beyond that had at the hearing.

Senator THOMPSON. Mr. Smith, I understood you to say a while ago as to the difference in the manner of measurement of the various barrooms and saloons located within 400 feet, by the shortest course of travel, of public schools and barrooms, that you accounted for that by the difference in method of measurement?

Mr. SMITH. Excuse me. Would you mind repeating that question?

Senator THOMPSON. I asked you a while ago if it was on account of the difference in method of measurement that there seemed to be a difference as to the 21 barrooms or saloons located within 400 feet of houses of religious worship and public schools, colleges, or universities, according to the shortest course of travel; and I understood you to say that the way you accounted for it was because of the measuring by square corners.

Mr. SMITH. Yes, sir; they are measurements that were made by right angles. The measurements of the gentlemen who opposed us were by the straight line, as the crow flies.

Senator THOMPSON. Where they were located on the same side of the street, and within a few doors, no question of that kind could arise, could it?

Mr. SMITH. It should not.

Senator THOMPSON. How do you account for the location of the Bessler saloon at 922 Pennsylvania Avenue, and the Bartholomew Roddy saloon, 1001 C Street N.W., both of which are stated to be within 400 feet of the Salvation Army Barracks at 930 Pennsylvania Avenue?

Mr. SMITH. The board does not believe that the law intended the Salvation Army or any kindred religious institution to be regarded as a house of religious worship, within the meaning of the law.

Senator THOMPSON. Do you mean to say that you think that Congress placed discretion in the board to determine what would be a proper house of worship, and matters of that kind?

Mr. SMITH. I give Congress credit for everything that I can, but I have to take my lead from the language of Congress as transmitted through the law.

Senator THOMPSON. Are we to understand, then, that you do not regard the Salvation Army as a religious organization?

Mr. SMITH. Maybe it is true. It is not a house of religious worship.

Senator THOMPSON. And that where they hold worship every day and every night should not be regarded as a house of religious worship within the meaning of the law?

Mr. SMITH. I think not.

Senator THOMPSON. That is the reason for the location of saloons in the neighborhood of their place, then, is it?

Mr. SMITH. If you will permit me—

Senator THOMPSON. Did not the Salvation Army protest on the ground that they were a religious organization?

Mr. SMITH. I think so.

Senator THOMPSON. You regarded them as a religious organization, did you not?

Mr. SMITH. Oh, yes.

Senator THOMPSON. What other place have they for a place of worship than at 930 Pennsylvania Avenue—

Mr. SMITH. In order that I may be clearly understood: According to the belief of the board and according to the intent, Congress changed the word "place" and substituted "house," for obvious reasons, we believe.

Senator THOMPSON. Does not the Salvation Army hold religious worship within a building at that place?

Mr. SMITH. Yes; that would be a "place."

Senator THOMPSON. That is a house, is it not?

Mr. SMITH. A house is something entirely appropriated for religious purposes.

Senator THOMPSON. Oh, that is the distinction you make—that it has to be a church?

Mr. SMITH. We take the intent of the law.

Senator THOMPSON. It is a house used exclusively for religious worship? Is that it?

Mr. SMITH. That is our belief.

Senator THOMPSON. There is no provision in the law to that effect, is there?

Mr. SMITH. Except that you changed the first draft of the law from "place of religious worship" to "house of religious worship," and for obvious reasons, we believe. Of course, if you wanted all religious houses to be so regarded, we take it that Congress would have said so.

Senator THOMPSON. It does say "house of religious worship," does it not? That is the language of the law?

Mr. SMITH. Yes; it says "house" now.

Senator THOMPSON. "Of religious worship?"

Mr. SMITH. Yes.

Senator THOMPSON. And would you not consider a place where they held religious worship, no matter what denomination, every day and every night, to have as much importance as a fine cathedral that is closed all the week and holds services only on Sunday?

Mr. SMITH. I give the organization the greatest amount of credit, of course, but I have to follow the law and state that a place of religious worship may not be such as is intended by a house of religious worship. The Salvation Army and other religious organizations have places where they doubtless do a great deal of good, but the question came before the board, Is it a house of religious worship? The board has decided that it is not.

Senator THOMPSON. That the Salvation Army is not?

Mr. SMITH. Not within the meaning of the law.

Senator THOMPSON. Then so far as that religious organization was concerned, you resolved any doubt of construction in favor of the saloon?

Mr. SMITH. I do not think so. We tried to be just. Like most other people we may go wrong in our judgment, but it is honestly intended.

Senator THOMPSON. The real reason for not having a saloon in the neighborhood of a church or a school is because it is regarded by the public generally as detrimental to order and proper decency around places of that kind. Is not that right?

Mr. SMITH. Yes, sir; that is granted. May I read one sentence of the law?

Senator THOMPSON. Yes.

Mr. SMITH. Thank you. [Reading:]

No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within four hundred feet of any public schoolhouse * * * or within four hundred feet of any now established house of religious worship.

According to that, the board may put a hotel or a club next door to a church and allow liquor to be dispensed there under license.

Senator THOMPSON. You do not regard the saloon, of course, as a necessity, do you?

Mr. SMITH. No.

Senator THOMPSON. You do regard the church and the school as necessities, under our form of government, do you not?

Mr. SMITH. Exactly.

Senator THOMPSON. If the saloon should interfere with the worship or interfere with the school, even though it was more than 400 feet away, do you not think the discretion allowed the board

ought to be exercised in favor of a proper maintenance of a place of religious worship or a school?

Mr. SMITH. Senator, the board had a particularly bad duty to perform, a duty that was bound to work injury to some, and we had to eliminate 112 applicants for license and establish not more than 300 places, and all those questions arose. We do not claim to be able, perhaps, to decide upon the intent of the law, as perhaps lawyers might; we simply put an honest layman's construction on the intent of the law and hoped that it would be properly received, as the intent merits.

Senator THOMPSON. But where there is a strong protest by a religious organization or by a large number of people as to the location of a saloon in a particular locality, do you not think the board should take that into consideration, resolving the doubt, if possible, in favor of the school or the place or house of religious worship and eliminating the saloon, instead of allowing it to injure the church or the school by its presence?

Mr. SMITH. The board would like to eliminate all from proximity to schools and churches.

Senator THOMPSON. You have not done that in the exercise of your duties?

Mr. SMITH. It has a duty to perform, a duty it owes to the saloon man as well as the church man, with all due respect to everybody concerned.

Senator THOMPSON. Do you regard it as the duty of the board to have maintained 300 saloons in the District of Columbia?

Mr. SMITH. I think largely so. I think that when Congress made this law and stipulated that there should not be more than 300 saloons at \$1,500 each, it had in mind \$450,000, or 300 at \$1,500 each, equalling \$450,000.

Senator THOMPSON. Do you think Congress had more in mind the pecuniary consideration than it had the moral situation of the city?

Mr. SMITH. I do not know what it had in mind.

Senator THOMPSON. It did say, "Not exceeding 300 saloons"?

Mr. SMITH. It did.

Senator THOMPSON. And the board has construed that to mean 300—that you are to maintain that number? Is that right?

Mr. SMITH. I think that that is the intent.

Senator THOMPSON. That there should be 300 saloons maintained in the city?

Mr. SMITH. I think so. I am glad there are not any more.

The CHAIRMAN. You do not mean to testify, General, that you think there must be 300 saloons, regardless of whether they comply with your rules and regulations?

Mr. SMITH. Oh, my, no, Senator. I mean that as long as 300 men apply and are found worthy and well qualified by the board to conduct the liquor business in satisfactory locations, I think it is the duty of the board to place 300, under the law, and not to do anything unlawfully, or, indeed, that would be in any way reprehensible.

Senator DILLINGHAM. In fixing that number, did the board really have it in mind that the revenue to be derived was something that Congress was considering as being advisable or advantageous?

Mr. SMITH. Well, Senator, we have to take the expression conveyed through the law, and we assume——

Senator DILLINGHAM. No; just tell us how the board construed that?

Mr. SMITH. The board thought that if you wanted 300 not to be exceeded, you intended that 300 should be arrived at, and you increased the revenue from each by \$500, and if we got 300 that were worthy and well qualified that brought the revenue up to the same figure, absolutely. In fact, I think it is a little in excess, now.

Senator DILLINGHAM. Then you thought that Congress really did have in mind the amount of revenue to be received out of this, rather than the control of the liquor traffic?

Mr. SMITH. Taking that expression here, I should say yes, sir.

Senator JONES. If Congress had said that it should not be less than 100 nor more than 300, you would then regard it as necessary to have 300 saloons?

Mr. SMITH. That is a phase of the situation that I have not given any thought to; but I should say that from the experience had in handling 412 applications from which to select 300, I think that the same condition might have obtained had the minimum number been named, as well as the maximum.

Senator JONES. You still think that the number has to be maintained unless Congress should reduce it?

Mr. SMITH. I should think so. Congress is explicit, generally.

Senator JONES. Calling your attention to the location of a saloon at 421 G Street NW., I will ask you if that is not within 400 feet of what is known as the Temple Business College, within a few doors?

Mr. SMITH. The Temple Business College is not regarded as a school, within the meaning of the law. In speaking of schools, the law says "the public schools," meaning institutions for learning under the control of the District of Columbia. That is the view taken by the board.

Senator JONES. Does it not also say, "now located or established college, or university"?

Mr. SMITH. Yes.

Senator JONES. You would not regard a business college, where hundreds of students go to obtain a business education, as an established college?

Mr. SMITH. In name only. I should not so regard it.

Senator JONES. Is that true as to Frank Endres' place at 1015 I Street NW., which is within 400 feet of the Drillery Business College? The same construction prevails there, that you do not regard the business college which young men and women attend to obtain a business education as an educational institution within the meaning of the law?

Mr. SMITH. We do not.

Senator JONES. And in those instances you resolved the construction in favor of maintaining the saloons, although they may be a detriment to those schools?

Mr. SMITH. The least damage to personal and property interests.

Senator JONES. I will ask you as to the location of Michael Morris's place at 3006 M Street NW., which is within 400 feet of the Central Union Mission and within 400 feet of a Jewish house of worship and within 400 feet of a school? What have you to say as to the

location of a place of that kind within the 400-foot limit from these institutions?

Mr. SMITH. The institutions excepted by the law have been duly regarded, sir, and the board carefully measured the distance from the school to the proposed saloon and found it in excess of 400 feet.

Senator JONES. Of all of those places?

Mr. SMITH. I do not know about the Jewish house of worship. I do not know about that. I never have seen such there.

Senator JONES. You examined the location, did you not, before locating the saloon?

Mr. SMITH. We examined the location and measured from the school to the proposed bar.

Senator JONES. General, all of these institutions protested and made a showing at the time of the license hearing?

Mr. SMITH. I do not recollect. The record will show that, sir.

Senator JONES. If they did, anyhow, the board did not regard that as an infraction of the law and exclude that place?

Mr. SMITH. Evidently not.

The CHAIRMAN. Returning to the Salvation Army: Why is it that you do not consider that a house of religious worship?

Mr. SMITH. We take it from the law that a house, to be a house of religious worship, must be such in its entirety.

The CHAIRMAN. What other business is carried on in the Salvation Army barracks besides the Salvation Army work?

Mr. SMITH. I do not know. It is not a house for religious worship, according to our interpretation. It may be along some lines, but we have not so regarded it.

The CHAIRMAN. In order to come within this rule, that house would have to be devoted to some other purposes besides Salvation Army purposes in order to be not a house of religious worship, would it not?

Mr. SMITH. No; I do not take it so, Senator.

The CHAIRMAN. Then tell me specifically why it is not a house of religious worship. It is devoted exclusively to religious purposes, is it not?

Mr. SMITH. It may not be. There may be some course of labor work there.

The CHAIRMAN. There may be?

Mr. SMITH. There may be.

The CHAIRMAN. But you do not know?

Mr. SMITH. I do not know. I have to be truthful.

The CHAIRMAN. We will leave that phase of the subject now. The law requires that hotels with less than 50 rooms shall not be allowed to have saloon licenses, does it not?

Mr. SMITH. I do not know of a hotel having less than 50 rooms for guests wherein a license has been established.

The CHAIRMAN. Why do you say less than 50 rooms for guests?

Mr. SMITH. The law stipulates that a hotel, to be a hotel within the meaning of the excise law, shall have 50 rooms for guests, or more. You say less than 50 rooms. I do not know, sir.

The CHAIRMAN. You do not know of any hotels in the District of Columbia with less than 50 rooms for guests that have saloon licenses?

Mr. SMITH. Not any. What the District authorities do outside of the excise board, of course we do not know; but they can not handle the liquor question. We do that.

The CHAIRMAN. What about the hotel of J. H. De Atley, at 1222 Pennsylvania Avenue NW.?

Mr. SMITH. That has not got 50 rooms.

The CHAIRMAN. Is not that a hotel?

Mr. SMITH. It may be in name. It may be licensed by the District authorities, but not by the excise board.

The CHAIRMAN. Was it not brought out in the hearings before you that it was a hotel and was run as a hotel and licensed as a hotel and had less than 50 rooms?

Mr. SMITH. No, sir.

The CHAIRMAN. What about the place of Henry M. Marks, at 1000 E Street NW.?

Mr. SMITH. I do not recollect whether that is within the 31 hotels or not. I am not sure on that point. If it has over 50 rooms, it would be regarded as a hotel; if not, it would be enjoying a license and it would be recognized as a restaurant by the excise board.

The CHAIRMAN. Do you think the board has a right to license a place as a restaurant which is really run as a hotel and has less than 50 rooms?

Mr. SMITH. I do not know what other business is conducted there. They seemed adequately equipped to conduct a restaurant business, and that is what the excise board was interested in.

The CHAIRMAN. I will give you a list of places that are claimed to be operated as hotels having less than 50 rooms for guests—

Mr. SMITH. Senator, I beg your pardon, before you commence: A place may be a hotel within the meaning of the District Commissioners' authority, but to be a hotel within the meaning of the law and to be recognized as such by the excise board, it must have over 50 rooms.

The CHAIRMAN. I understand.

Mr. SMITH. Oh, you understand. Pardon me.

The CHAIRMAN. The law does not permit you to license a saloon in a hotel that has less than 50 rooms?

Mr. SMITH. We do not mention the word "hotel" in connection with such an establishment.

The CHAIRMAN. I understand; but is it not the fact that the law does?

Mr. SMITH. No; I think not, sir.

The CHAIRMAN. This is the law:

Hereafter no license shall be issued to a hotel having less than fifty bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is shown to be objectionable to said board.

Do you mean to say that you can construe that law to mean that a hotel with less than 50 rooms, or a place with less than 50 rooms, where they entertain the public for pay, is not a hotel?

Mr. SMITH. Not a hotel, so far as we know.

The CHAIRMAN. The law is plain:

Hereafter no license shall be issued to a hotel having less than fifty bedrooms for guests.

I will ask you if it was not claimed that the following places were hotels with less than 50 rooms for guests before you issued your licenses: Geo. J. Bessler, 922 Pennsylvania Avenue NW.; Gustav Buchholz, 1411 Pennsylvania Avenue NW.; J. H. De Atley, 1222 Pennsylvania Avenue NW.; Harvey Co. (Inc.), 1016 Pennsylvania

Avenue NW.; Charles Mades, 300 Pennsylvania Avenue NW.; Henry M. Marks, 1000 E Street NW.; John M. Perreard, 513 Thirteenth Street NW.; Jos. Schladt, 1238 Wisconsin Avenue.

Mr. SMITH. They are not hotels, according to our records.

The CHAIRMAN. But I will ask you if it was not represented to you, if testimony was not developed at the hearings at the conclusion of which you issued the licenses, and if it was not in the evidence, that they were hotels?

Mr. SMITH. I think not.

The CHAIRMAN. That they had licenses as hotels?

Mr. SMITH. I think not. We could not license such a place as a hotel.

The CHAIRMAN. I mean that they were licensed by the District as hotels.

Mr. SMITH. Oh, I do not know that.

The CHAIRMAN. Would it not be your duty, where it was shown to you that a hotel with less than 50 rooms was licensed by the District as a hotel, to decline a license?

Mr. SMITH. I think not.

The CHAIRMAN. I want to return, now, to the question of houses of religious worship, and ask you why you consider the building occupied by the Central Union Mission not a house of religious worship?

Mr. SMITH. For the same reason, Senator, except that it is more positively a place where business is conducted in connection with religious services.

The CHAIRMAN. What business is conducted in connection with the religious services?

Mr. SMITH. They have employment for wayfarers.

The CHAIRMAN. Exactly; but is not that a part of the religious and benevolent purposes of the institution?

Mr. SMITH. Well, Senator, the excise board may be mistaken; I do not claim that we are right in every particular; but our idea is, our construction of the law in its intent is, that a house of religious worship shall be what it is meant for—a church, and such places as that; not a boarding house or rooming house, or any place where food is chopped for the living of poor men. They are good institutions in their place, but the law does not say that we should recognize them as houses of religious worship. A house entirely appropriated to religious services would be a church.

The CHAIRMAN. That is the construction which the board places on the term "house of religious worship"?

Mr. SMITH. Yes, sir.

The CHAIRMAN. And the construction is in favor of the saloon—the establishment of the saloon?

Mr. SMITH. The board did not think so, and does not yet.

The CHAIRMAN. You have resolved your construction in favor of the establishment of the saloon. When the question came before you in behalf of those who wanted the license refused, as to whether or not the Salvation Army and the Central Union Mission were houses of religious worship, you resolved that question in favor of the saloons in both instances?

Mr. SMITH. Unfortunately so, for the would-be houses.

The CHAIRMAN. Is there a saloon near the Y. M. C. A. building?

Mr. SMITH. Yes, sir; that of a Mrs. Klotz.

The CHAIRMAN. How near?

Mr. SMITH. Well, it is—I would not like to say.

The CHAIRMAN. Is it within 400 feet?

Mr. SMITH. It is more than 400 feet; it is nearly 500, if not quite. It is a long block from Seventeenth to Eighteenth.

The CHAIRMAN. The board construed the law to mean that saloons and clubs might be located in residence districts, did it not?

Mr. SMITH. Yes, sir.

The CHAIRMAN. The law itself does not make any exception as to clubs, does it?

Mr. SMITH. The law made many an exception for hotels and clubs.

The CHAIRMAN. You mean the excise law?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Let me read the law:

Hereafter no license shall be granted for the establishment or maintenance of a bar-room or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any resident portion of the District of Columbia.

I will ask you if the clubs which I shall now name are not located in the residence districts, and if they do not operate bars: The Army and Navy Club; the Commercial Club; Century Club; Cosmes Club; Elks Club; Metropolitan Club; Monticello Club; and University Club?

Mr. SMITH. Those are all in residence districts.

The CHAIRMAN. In other words, the board deliberately legislated on that subject, did it not?

Mr. SMITH. I do not think we legislated on the subject, Senator.

The CHAIRMAN. What do you call it?

Mr. SMITH. I think that we made a rule that comprehended what was expressed, but not in so many words, by the law.

The CHAIRMAN. Will you explain why you held that the law did not prohibit the location of saloons and clubs in residence districts?

Mr. SMITH. Paragraph 2 and paragraph 14 would seem to cover that very thoroughly.

The CHAIRMAN. Paragraph 2 of what?

Mr. SMITH. Of the excise law.

The CHAIRMAN. Will you please read the part to which you refer?

Mr. SMITH. A portion of the excise law which, upon casual reading by itself, would seem to exclude the granting of barroom licenses to hotels and clubs in the residential portion of the District of Columbia, reads as follows:

Hereafter no license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors—

Then on down——

The CHAIRMAN (reading):

Otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia.

Mr. SMITH. I have not got to the "provided" part.

The CHAIRMAN. I have it here.

Provided, That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than fifty percentum of the foot frontage, not including saloons or hotels and clubs having barroom licenses under this section, is used for business purposes.

Mr. SMITH. There is one exception—"hotels and clubs." You will notice as to the wholesaler that the closing sentence there, "nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided," contradicts the first part.

The CHAIRMAN. I am not speaking of the wholesale proposition.

Mr. SMITH. In the absence of specific words permitting the licensing of hotels and clubs outside of the business districts, the board believe it is clearly shown that Congress intended to make a distinction between a barroom as such and a barroom license held by a hotel a club, as is evidenced from the language just quoted. In determining on the 50 per cent of business frontage, the law says you must not include saloons or hotels and clubs having barroom licenses. Congress has seen fit to permit the issuance of barroom licenses in hotels and clubs near schools, churches, and colleges.

The CHAIRMAN. In what instance?

Mr. SMITH. The law says that no saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within 400 feet of any public schoolhouse or now located or established college or university, or within 400 feet of a now established house of religious worship, measured between the nearest entrance to each by the shortest course of travel between such place of business and such public schoolhouse, college, or university, or established house of religious worship.

The CHAIRMAN. There is nothing in that paragraph referring to residence sections.

Mr. SMITH. It says in that very paragraph, Senator, if you will excuse me, that "no saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs." So that the excise board might have construed that as permitting clubs and hotels to be placed right next door to any church, college, school, or university.

The CHAIRMAN. But that is within a business district.

Mr. SMITH. Is it not an exception for a church to be found in a business district?

The CHAIRMAN. Not necessarily.

Mr. SMITH. It is the exception, however.

The CHAIRMAN. It may be the exception in some cases, but the law itself does not have any reference to it.

Mr. SMITH. The board thought that it was an oversight and treated it as such.

The CHAIRMAN. They thought it was an oversight on the part of Congress?

Mr. SMITH. It may be a reprehensible thought, but it is the fact, sir.

The CHAIRMAN. I will ask you, General, if you knew anything about the manner in which the saloon at the Grand Hotel had been conducted before you granted it a license, in November?

Mr. SMITH. In a general way, yes; with many things for and many against.

The CHAIRMAN. What were the charges regarding that saloon in that hotel, if you remember?

Mr. SMITH. I think that I have the record of the hearing here if you would like to have it, Senator. I can have it read into the proceedings.

The CHAIRMAN. I will ask you what was the name of the proprietor?

Mr. SMITH. It is a corporation.

The CHAIRMAN. I know; but what was the name of the proprietor?

Mr. SMITH. Charles H. Fred and Edward J. Gardner, manager and treasurer, appeared.

The CHAIRMAN. I will ask you if Edward J. Gardner did not conduct that saloon when the old board was in operation?

Mr. SMITH. I understand so.

The CHAIRMAN. I will ask you if his license was not taken away from him at one time?

Mr. SMITH. I do not know that.

The CHAIRMAN. Did it not appear in the evidence?

Mr. SMITH. I do not know that. It is last October, the beginning of October.

The CHAIRMAN. Was he not convicted of selling liquor to a minor, and was not his license taken away from him, and did not that appear in the evidence before you when his corporation applied for a renewal of the license?

Mr. SMITH. It may have. The evidence is here. I have the case in hand here.

The CHAIRMAN. But you do not recall?

Mr. SMITH. I do not recall. I was not interested in saloons, much—

The CHAIRMAN. Did it not appear in the evidence that he owned a majority of the stock in this corporation?

Mr. SMITH. Yes.

The CHAIRMAN. And was not the organization of this corporation a mere subterfuge by which he proposed to secure a new license, knowing that he would have difficulty in getting it in his own name?

Mr. SMITH. I can not say that I understood it as a subterfuge. He came before us clean, and after reviewing the evidence I can not see how we could have done other than we did.

The CHAIRMAN. I will ask you if the police did not report that it was a place of public resort frequented by persons of questionable character?

Mr. SMITH. The police made one report, and in the evidence it would seem to be another.

The CHAIRMAN. You mean that the evidence that was adduced before you in your opinion contradicted the report of the police to such an extent that you felt justified in giving this man a license?

Mr. SMITH. The Grand Hotel was represented by Mr. Henry E. Davis, and he made a statement which cleared the atmosphere somewhat—the statement by Capt. Sprinkle, who made the damaging statement in the police report.

The CHAIRMAN. We will pass from that. I will ask you if when you renewed the license for the Ebbitt House bar evidence was not adduced showing that that bar had been conducted in a disgraceful manner?

Mr. SMITH. No; I do not agree that we had evidence to that effect.

The CHAIRMAN. And that there had been disgraceful practices in connection with the sale of liquor in the Ebbitt House, in the restaurant and bar?

Mr. SMITH. At the request of the Anti-Saloon League representative the room was cleared and an effort was made to have evidence produced for the consideration of the board that it thought was too filthy for notice, and as it was not substantiated by any other than a dismissed or discharged employee of the Ebbitt House, we could not take it as seriously as if it had been substantiated.

The CHAIRMAN. I will ask you if the papers were not at one time full of the details of an orgy that took place at the Ebbitt House one night?

Mr. SMITH. I do not know.

The CHAIRMAN. You do not recall that?

Mr. SMITH. What do you refer to, may I ask, particularly and specifically?

The CHAIRMAN. Particularly the night after a football game here in Washington?

Mr. SMITH. Oh, yes; we heard all about that.

The CHAIRMAN. Did not that corroborate what this employee testified to?

Mr. SMITH. No.

The CHAIRMAN. Did not the papers themselves contain details as to drunken women being taken out of the place and put in carriages, limp and almost helpless?

Mr. SMITH. I do not remember any such publication.

The CHAIRMAN. You do not recall that at all?

Mr. SMITH. I certainly never saw it.

The CHAIRMAN. Why did the board hold, General, that wholesale liquor houses were those that sold more than five gallons?

Mr. SMITH. We thought we would put a subclass in the wholesale zones—places doing a four and seven-eighths gallon business that might be in the residential district; where the big jobber must be continued in the business sections, such as the Clarke Distilling Co. and several others—

The CHAIRMAN. The law says retail or wholesale houses shall not be located in residence districts.

Mr. SMITH. May I ask if you have read the paragraph carefully, Senator?

The CHAIRMAN. I have tried to, sir.

Mr. SMITH. It contradicts itself plainly on the subject of wholesale. The closing part of the paragraph—

The CHAIRMAN. Here is the closing part:

Nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided.

That is the closing part. That is a definite thing.

Mr. SMITH. That contradicts the upper part of the paragraph, which reads:

Otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia.

That character of business is done by a wholesale establishment and not by a retail.

The CHAIRMAN. And you would not have resolved that contradiction on the side of people opposed to the existence of a saloon in residence districts? Did it not seem to be the policy of this law to exclude saloons from residence districts?

Mr. SMITH. This is not a saloon under consideration now.

The CHAIRMAN. I understand; but is it not the policy of this law to exclude the liquor traffic, as such, from residence districts?

Mr. SMITH. The law is explicit as to saloons, but not as to wholesalers.

The CHAIRMAN. And you resolved that construction, again, in favor of the location of the saloon selling less than five gallons as not being a wholesale house in the view of the law.

Mr. SMITH. They are wholesalers.

The CHAIRMAN. I mean as being intended to be located in residence districts.

Mr. SMITH. Yes.

The CHAIRMAN. Do you know anything about a fee charged by Mr. Joseph C. Sheehy for getting Mr. McCarthy a license to do business in the Evans Building?

Mr. SMITH. Not any more than what I have noticed in the press. I have not heard.

The CHAIRMAN. Did you read Justice Stafford's decision, stating that to charge a fee of that kind was contrary to public policy and good morals?

Mr. SMITH. I did not see the opinion published.

The CHAIRMAN. Have you ever seen it?

Mr. SMITH. I have not.

The CHAIRMAN. I will state for your information now that Justice Stafford held that for a lawyer to charge a fee of that kind to represent a man to get a license was against public policy and good morals. After he had charged a fee of that kind the board permitted him to appear before it in other cases?

Mr. SMITH. The gentleman referred to had been a member of the excise board. We were in close touch with him up to the time of his leaving—a manly, fearless, conscientious official, a lawyer; and he asked us after he left the board if we would have any objection to his appearing before the board as a lawyer and we told him no, that there could be no reason against it that we could see. We were not lawyers, but as long as a man's record is clean it does not much matter where he performs his professional duties, as long as he gets adequate compensation according to the measure made by himself.

The CHAIRMAN. Do you agree with Justice Stafford that a fee of \$5,000 charged by a lawyer for an effort to get a license for a man is contrary to public policy and good morals—a contingent fee?

Mr. SMITH. Senator, I do not think that it would be my business as a member of the board or chairman of the board to ask a lawyer how much fee he was to charge or receive for services in such and such a case, or to ask the applicant "How much are you paying your lawyer?" I might just as well be permitted to ask the Anti-Saloon League's lawyer how much money he is receiving.

The CHAIRMAN. We have asked him that already.

Mr. SMITH. I have not; I have not followed that matter out.

The CHAIRMAN. He gets \$2,000 a year.

Mr. SMITH. He earns it.

The CHAIRMAN. I agree with you on that point.

Mr. SMITH. And we are not idlers.

Senator DILLINGHAM. May I ask you this question: Did you ever know that this fee was \$5,000?

Mr. SMITH. No, sir; I did not know anything about the fee, said to be \$5,000, until the case was brought into court.

Senator DILLINGHAM. Did he continue to appear before you after that fact became known to you?

Mr. SMITH. I think he has had one or two cases.

Senator DILLINGHAM. Upon what did you think that he based or estimated the value of his services?

Mr. SMITH. I do not know, Senator. My experience with professional gentlemen, lawyers particularly, is that they have a knack of estimating the value of their own services individually and charging accordingly, dependent upon the purse strings of the client.

Senator DILLINGHAM. Did it occur to you that in a case where there was a charge of \$5,000, the client in such a case as that paid it because of his supposed influence with the board or because of the amount of work that he did, or the character of the work that he did?

Mr. SMITH. I can not say, Senator. Really, it is a subject that we did not feel it was our duty to inquire about.

Senator DILLINGHAM. General, do you not think that it would be an imputation upon the integrity of the board to have a man appearing and charging those fees, he himself having formerly been a member of the board?

Mr. SMITH. I do not know, Senator, whether there is another lawyer—I can furnish the committee with the names of all the lawyers who appeared before the board——

The CHAIRMAN. That is in the record.

Mr. SMITH. And the number of cases handled by each and the board's disposition of such cases. There is not one case that the board knows about with regard to the fee or amount of the fee, and it does not consider that it is its duty to inquire about it.

Senator DILLINGHAM. Should not the board, General, in defense of itself and its standing, know upon what ground those appearing before the board are basing excessive and exorbitant charges?

Mr. SMITH. We have no way of determining what value to put upon the individual service, or whether he has valued his own services at a proper figure or not.

Senator DILLINGHAM. I know; but ought not the board to have some judgment as to whether a practitioner before it makes his charges upon the ground of his supposed personal influence with the board or upon his skill in his employment?

Mr. SMITH. That is all foreign to the excise board.

The CHAIRMAN. You are familiar with what has to be determined in order to grant a license?

Mr. SMITH. Yes, sir. I would prefer that no lawyers appear at all, and I am just egotistic enough to believe that we could conduct the cases ourselves and arrive at at least as good a conclusion as we have in the past.

The CHAIRMAN. As a matter of fact, there is nothing there to justify any special legal assistance for an applicant; the board itself can determine questions of fact in connection with all these applications, and there is no special necessity for the services of a lawyer by applicants, is there?

Mr. SMITH. Not any. I do not consider them necessary at all.

The CHAIRMAN. Do you see anything in the work that a man would have to do in representing an applicant that would justify a charge of \$5,000?

Mr. SMITH. No.

The CHAIRMAN. From your own standpoint—I am asking you now from your own standpoint, not from a lawyer's standpoint.

Mr. SMITH. A plain business man's opinion?

The CHAIRMAN. Yes.

Mr. SMITH. I think it very excessive; but that does not make it so.

The CHAIRMAN. Do you know anything about the Philadelphia House, General?

Mr. SMITH. No. I visited there once.

The CHAIRMAN. Did you not visit the Philadelphia House in company with the other members of the board and Mr. Shoemaker?

Mr. SMITH. Down on Pennsylvania Avenue?

The CHAIRMAN. Yes.

Mr. SMITH. Yes.

The CHAIRMAN. Do you remember conditions that you observed there?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Did you see women drinking there, with no meals being served?

Mr. SMITH. I did not see women drinking. I saw the remains of meals, and there was music and dancing going on. It seemed to be an amusement rendezvous for the colored people of the neighborhood or that district.

The CHAIRMAN. What do you know about the location of saloons within 300 feet of slums or alleys? Have you had any protests on that point.

Mr. SMITH. We have had protests. We have protests against every case.

The CHAIRMAN. Has the board declined any licenses to saloons on account of there being within 300 feet of an alley or slum?

Mr. SMITH. We certainly have; but I do not just recall, really.

The CHAIRMAN. For that reason?

Mr. SMITH. Yes, sir; on account of the proximity which made it undesirable. I have in mind one that is on Third or Fourth Street.

The CHAIRMAN. Do you know anything about conditions in Jackson Alley?

Mr. SMITH. At North Capitol Street?

The CHAIRMAN. Yes.

Mr. SMITH. Yes, sir; it is Jackson Street. It is 32 feet wide.

The CHAIRMAN. There are a number of saloons within 300 feet of that alley, are there not? The records will show that, however.

Mr. SMITH. Yes. They are right opposite the Public Printing Office; yes. There are three there, and one wholesale.

The CHAIRMAN. When protests were made with regard to the granting of licenses to places within 300 feet of that alley, did you examine the alley?

Mr. SMITH. Yes, sir; we were there.

The CHAIRMAN. And you did not consider that the conditions were sufficiently offensive to justify a refusal of these licenses?

Mr. SMITH. We inquired about the class of business in the several places and found that they did not serve colored people; and as the colored people predominated, at least in the alley as such, we thought that no harm could come from that source in those three places.

The CHAIRMAN. Did you inspect Wylie Court, out in the north-east?

Mr. SMITH. Thirteenth Street; yes.

The CHAIRMAN. Do you recall the conditions in that court?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Can you briefly describe them?

Mr. SMITH. I do not know about the conditions. I know there are houses there and people living in them.

The CHAIRMAN. Do you consider that a disreputable condition?

Mr. SMITH. I have never seen anything disreputable in it, nor has there been any evidence to warrant that belief.

The CHAIRMAN. And you consider nothing disreputable about Jackson Alley?

Mr. SMITH. That is the former place?

The CHAIRMAN. Yes.

Mr. SMITH. No.

The CHAIRMAN. Nor Snow's Court?

Mr. SMITH. Where is that?

The CHAIRMAN. You do not recall the location of Snow's Court?

Mr. SMITH. No, sir; not just now.

The CHAIRMAN. You recall the western prohibition zone case, do you not?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Was the fact brought to your attention that at the time this law was enacted the western fire limit was at Thirty-fifth Street, and between that time and the time of the application of two saloons for renewal of licenses on Thirty-seventh Street the limit was extended so as to include those saloons? Was that brought to your attention?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Why did the board grant the licenses?

Mr. SMITH. On the advice of the corporation counsel.

The CHAIRMAN. Have you a copy of his opinion?

Mr. SMITH. Yes, sir.

The CHAIRMAN. On what point did you ask his opinion, General?

Mr. SMITH. The letter of inquiry is here, as well.

The CHAIRMAN. Can you state briefly what the point was?

Mr. SMITH. I would rather read it, if you will permit me, and if you have time.

The CHAIRMAN. Very well.

Mr. Smith: It reads as follows:

EXCISE BOARD FOR THE DISTRICT OF COLUMBIA,
Washington, February 5, 1914.

DEAR MR. STEPHENS: Referring to the hearing held before the excise board January 29, on the change in the fire limits made by the Commissioners of the District of Columbia, will you kindly give the board your views on the question?

The board is anxious to dispose of this question as promptly as possible.

Respectfully,

JOS. C. SHEEHY, *Chairman.*

MR. F. H. STEPHENS,

Assistant Corporation Counsel, District of Columbia.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
OFFICE OF THE CORPORATION COUNSEL,
Washington, February 9, 1914.

The EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

GENTLEMEN: In response to your request of the 5th instant for my views on the question argued before the board January 29, I submit herewith the following:

The question, as I understand it, is whether a barroom west of the westerly line of the fire limits as they existed on the 4th day of March, 1913, can be licensed under the excise law.

I refrain from citing the provisions of the law as the provisions requested are necessarily familiar to the members of the board. It is enough to say that the answer to the question depends what interpretation shall be given in point of time to the clause "the westerly line of the fire limits as now established." The phrase "now established" is used also in the same paragraph (par. 2), in relation to colleges or universities, houses of religious worship, etc., and the meaning should of course be the same in both instances.

1. It is a general rule of statutory construction that the statute speaks from the time it goes into effect and not from the time of the passage of the act. (1 Lewis Southerland on Statutory Construction, sec. 183, Encyc., 565.) Also it has been held that persons are not to be governed in their actions before the statute becomes operative. (*Sammis v. Bennett*, 22 L. R. A., 48.)

If the words, "now established" have reference to the time of the passage of the act then effect is given to the act before the time prescribed by Congress, at which time the act went into effect, i. e., July 1, 1913. In other words, by its express provisions, the act did not go into effect until July 1, but by giving force to the language used as of the 4th day of March, effect is given to the act as of that time, that is to say, the act was in effect and the act was not in effect. Either the act became effective on the 4th day of March, or it did not. The plain provision of the law is that it did not. Therefore, no effect can be given to the language until the time it went into effect.

* * * * *

Respectfully,

F. H. STEPHENS,
Assistant Corporation Counsel.

The CHAIRMAN. Why did you not consult the corporation counsel instead of the assistant, General?

Mr. SMITH. The letter of inquiry was sent to his office.

The CHAIRMAN. But you addressed your letter of inquiry to the assistant corporation counsel?

Mr. SMITH. He is the man who represented the corporation counsel's office at the hearings held on this subject, and, believing that he was in touch the closest, he was the one addressed.

The CHAIRMAN. Have you revoked any licenses since the beginning of this license year?

Mr. SMITH. No, sir. The revocation of licenses rests on the excise board only after police court conviction has been had. After one conviction we may revoke a license. On two convictions we must revoke a license.

The CHAIRMAN. Did you bring the papers that were asked for?

Mr. SMITH. All the papers are here, I believe, and everything in connection with the several cases mentioned in my subpoena or summons.

The CHAIRMAN. Is there anything else that occurs to you? If so, we would be glad to have you give it. If there is anything else you wish to say we should be very glad to hear it.

Mr. SMITH. There are so many things that I would like to say—

The CHAIRMAN. If you wish to take a recess now, you may do so, and you can come on later this afternoon or in the morning; or if you wish, we may go ahead now. I do not think we have any more questions to ask you at this time.

Mr. SMITH. There is evidence, according to the daily papers, that seems to the board to be eminently unfair. We are charged with being culprits, evidently, and not permitted to face our accusers.

The CHAIRMAN. You will be permitted to face them—all the witnesses that testified.

Mr. SMITH. We had not been invited to be present, and fearing that was the desire, we did not want to intrude, so that we were not here until you sent for us.

The CHAIRMAN. You are invited to be present, and you will be furnished with a written transcript of all the testimony and be given every opportunity to answer.

Mr. SMITH. Thank you. That is all we want. We wanted to show that the performance of our duty has been done as fearlessly as duty ever was performed, without the dictate of any outside influence whatever. We were only trying to get at this law and put it into force and effect honestly and perfectly. You can not please all sides, you know.

The CHAIRMAN. You said that evidence has been given here that was unfair. You will be given every opportunity to answer that. If you would rather take the printed record of the evidence and read it all, so as to be sure that you get it, and answer it, you may do that, or you may proceed to answer it now, just as you please.

Mr. SMITH. Senator, as this accusation, or these accusations, amount to so much in the life of myself, or what remains, as well as that of my colleagues, I desire to be set straight and right, and that I must have. My whole career through my life has been an independent, honest effort. I would like to have an extract from the evidence and have time to prepare an answer.

TESTIMONY OF JOHN J. MADDEN.

(The witness was sworn by the chairman.)

The CHAIRMAN. State your full name.

Mr. MADDEN. John J. Madden.

The CHAIRMAN. Are you a resident of the District of Columbia?

Mr. MADDEN. I am, sir.

The CHAIRMAN. How long have you been such?

Mr. MADDEN. Since 1902, I think.

The CHAIRMAN. Where did you come from to this District?

Mr. MADDEN. I came from Philadelphia here.

The CHAIRMAN. Are you operating a saloon?

Mr. MADDEN. I am, sir.

The CHAIRMAN. At what place?

Mr. MADDEN. 401 Four-and-a-half Street.

The CHAIRMAN. When were you granted a license?

Mr. MADDEN. It was the 14th of August. I bought the license. I bought where I am now. I surrendered my old license and bought this one.

The CHAIRMAN. Did you make an effort to get a license when you were represented by Mr. Sargeant?

Mr. MADDEN. Sargeant never represented me at the board at all. I made an effort to get a license up on Fourteenth Street, 2006; a man by the name of Stubblefield owned the property, and Sargeant

was interested in it, and Stubblefield was to pay Sargeant, I think, \$750 if I was successful in getting the license. I had a hearing, and the board rejected the license. Sargeant came to me again and told me there was a place out on First Street NE., near New York Avenue, and he took me out there and showed it to me and said that he had this piece of property for sale. I told him the place did not look to me to be 50 per cent business there, and I told him I would not bother with it. So Stubblefield persuaded me to make application for that place, and I had a hearing before the board, and the board went out and found that there was not 50 per cent business, and I told Sargeant, I said, "Look here, I told you there is not 50 per cent business there." I put up some money with Sargeant, and half the money that I deposited with him—

The CHAIRMAN. For what purpose did you put up the money?

Mr. MADDEN. In good faith, to bind the property, with the expectation that I would get a license, you understand.

The CHAIRMAN. Did you pay anything to anybody to represent you before the board at that time?

Mr. MADDEN. Alec Bell represented me before the board.

The CHAIRMAN. At that time?

Mr. MADDEN. In the two cases. There was another case up on B Street between Tenth and Eleventh. Sargeant got that place for me. There was a protest around there, and I did not expect to get the license because I did not know—the commission merchants around there protested, and I lost out there. So I made up my mind to buy a place and surrender my old license. I went down and bought Hogan out on Four-and-one-half and Virginia Avenue, surrendered my license to the board and put up a new building there and fixed it up and got a license.

The CHAIRMAN. That was the fourth attempt?

Mr. MADDEN. Yes, sir; it was not any transfer at all. It was bought. I surrendered my old license.

The CHAIRMAN. Who represented you at that last hearing?

Mr. MADDEN. Alexander H. Bell and Joseph C. Sheehy.

The CHAIRMAN. What did you pay them?

Mr. MADDEN. I paid Sheehy \$1,100, and I paid Alexander Bell \$200.

The CHAIRMAN. Why did you employ Mr. Sheehy? Were you not satisfied with Mr. Bell?

Mr. MADDEN. I wanted to see Sheehy—I knew he would take the case. I wanted to see him. He said he would not take the case without Alexander H. Bell going in with him; he would not put Mr. Bell out of the position, because he was my attorney all the time.

The CHAIRMAN. Were you influenced by the fact that Mr. Sheehy had formerly been a member of the board?

Mr. MADDEN. No, I was not; not at all.

The CHAIRMAN. Had you known Mr. Sheehy before?

Mr. MADDEN. I had; yes, sir.

The CHAIRMAN. You knew he had been a member of the board?

Mr. MADDEN. Sure.

The CHAIRMAN. Did Mr. Sargeant ask you why you did not let him represent you that last time?

Mr. MADDEN. No; he never represented me at the board at all. Sargeant told a story there yesterday; he never represented me—

The CHAIRMAN. What is Sargeant? Is he a lawyer?

Mr. MADDEN. I do not know. He is some kind of a real estate man and dabbles around in real estate.

The CHAIRMAN. Did you tell him that it took money to get through a thing of this kind?

Mr. MADDEN. Not at all; no, indeed. I did not tell him anything of that kind. No, indeed. Why should I have done that?

The CHAIRMAN. It evidently did take \$1,300.

Mr. MADDEN. That was Mr. Sheehy's price, and I paid it to him. I wanted to get the business. That was between me and Mr. Sheehy.

Mr. Bell charged me \$200.

The CHAIRMAN. What had Bell charged you before?

Mr. MADDEN. \$100 before, on the three cases that I lost out on.

The CHAIRMAN. When was it that you got that license?

Mr. MADDEN. It was in August.

The CHAIRMAN. I mean, through Bell and Sheehy?

Mr. MADDEN. It was in the month of June, I think.

The CHAIRMAN. Of 1914?

Mr. MADDEN. Yes, sir.

The CHAIRMAN. And your license was renewed on November 1?

Mr. MADDEN. Yes, sir; and I surrendered my old license when I got the other.

TESTIMONY OF JOHN E. CATTS.

(The witness was sworn by the chairman.)

The CHAIRMAN. Your name is John E. Catts?

Mr. CATTS. Yes, sir.

The CHAIRMAN. What is your position?

Mr. CATTS. I am acting lieutenant, Metropolitan police. I have been detailed since the 22d of last August in regard to enforcing the Kenyon law.

The CHAIRMAN. Are you a member of what is known as the vice squad?

Mr. CATTS. Yes, sir.

The CHAIRMAN. Have you had occasion to examine conditions in any of these hotels where bars are conducted?

Mr. CATTS. Well, as far as the bar itself is concerned, that is out of our line of work. The only bars which we are concerned with are where women of questionable character gather, summer gardens, and so on. We made it our business to go around those places in order to see who were around there, and so on.

The CHAIRMAN. What were those places?

Mr. CATTS. Gardner's, the Grand Hotel, Fifteenth and Pennsylvania avenue.

The CHAIRMAN. They are known to the vice squad as places where women of questionable character resort?

Mr. CATTS. Yes, sir.

The CHAIRMAN. Is that still known as that sort of a place?

Mr. CATTS. He closed his summer garden on, I think, the 16th of this month. I had a warrant for Mr. Fred for selling liquor to minors, two young girls, and I served that warrant on January 15, on Friday.

The CHAIRMAN. A warrant for serving liquor to minors?

Mr. CATTS. Yes, sir. On the following Saturday he closed the summer garden. His hotel and bar have always been, as far as I

could observe, conducted in a very good manner; but the summer garden was just the opposite. It was a very bad place, which I testified to before the excise board in the hearing.

The CHAIRMAN. As a matter of fact, when liquors are served in that summer garden, do they not come from the bar?

Mr. CATTS. Oh, yes. They have waiters that run backward and forward to and from the bar.

The CHAIRMAN. It was practically a bar?

Mr. CATTS. Yes, sir. Of course, the bar itself is located on Pennsylvania Avenue, just next door to Poli's Theater. This summer garden is in a basement right back under the hotel.

The CHAIRMAN. You testified that Mr. Gardner had been engaged in a business of that character?

Mr. CATTS. Yes, sir.

The CHAIRMAN. What other place is known as a place of that kind, Lieutenant?

Mr. CATTS. There were two cases before the excise board. One is the Tremont Hotel.

The CHAIRMAN. What did you testify as to that?

Mr. CATTS. We—when I say "we" I mean myself and the man that works with me, Mr. Howes—took several unmarried parties out of there. On one occasion I think we took two couples, two men and two women, and on another occasion I think it was five couples we took out, all charged with fornication.

The CHAIRMAN. About what time was that? What was the date of the visit?

Mr. CATTS. On August 27 we took out two couples, two men and two women, and on September 5 it was three couples we took out. We took out three couples. When I went on this work I got information that that kind of business was going on there, with unmarried couples occupying rooms, and so on, and in making an investigation I arrested these people.

The CHAIRMAN. Did you testify to all this before the excise board?

Mr. CATTS. Yes, sir.

The CHAIRMAN. In connection with the hearing on the question of granting them a license?

Mr. CATTS. Yes, sir.

The CHAIRMAN. What do you know about the Philadelphia House?

Mr. CATTS. Well, I know that it is frequented by colored women of questionable character, some of them that I know to be prostitutes; a large number of them. It is frequented by a large number of women of questionable character, prostitutes.

The CHAIRMAN. Have you ever testified to that fact before the excise board?

Mr. CATTS. No; I was not summoned on that case at all.

The CHAIRMAN. They never asked you about that?

Mr. CATTS. No, sir.

The CHAIRMAN. Have you any other places listed as places of that character?

Mr. CATTS. The Marks Hotel.

The CHAIRMAN. Tell us about that.

Mr. CATTS. Tenth and E Streets. Right now it is being frequented by the same kind of people.

The CHAIRMAN. That is now being frequented by them?

Mr. CATTS. Yes, sir. Unless we find these people violating some specific provision of the law we can not take any action. They go there and drink, and congregate there. It is a meeting place for women of questionable character. They meet men there and take them out, and so on.

The CHAIRMAN. How long has it been such a place?

Mr. CATTS. He opened a summer garden about the time—just before his license was granted, I think, when he first made application, and the captain of the precinct reported on his license and he was not, as near as I can remember, conducting this summer garden——

The CHAIRMAN. Was his place a questionable place?

Mr. CATTS. Yes, sir; but I was going to say, before the license was granted, while it was pending, I called the captain's attention to this fact and he made a supplementary report to the excise board that they had opened up a summer garden, and so on; but I did not hear anything more from it.

The CHAIRMAN. You were not asked to testify regarding it?

Mr. CATTS. No, sir.

The CHAIRMAN. What other place, Lieutenant, did you have on your list?

Mr. CATTS. We will take those three. They are about the worst in the city—as bad as they could possibly be. The Grand, before they closed the summer garden, was very bad. It is a very quiet place now, because without that summer garden they do very little business.

The CHAIRMAN. There is no reason why they should not reopen that summer garden again when summer comes, is there?

Mr. CATTS. As I understand, Gardner closed his summer garden on the advice of his attorney. His case is pending and will be tried in a few days.

The CHAIRMAN. Cases are now pending against him for selling to minors?

Mr. CATTS. Yes, sir; two cases.

The CHAIRMAN. Do you know anything about the Joseph Schladt place, at 1238 Wisconsin Avenue?

Mr. CATTS. No, sir; I do not know. I know where it is, but we have had to confine ourselves to the down-town section, and we found lots to do. That is over in Georgetown, and we have not gotten over there yet.

The CHAIRMAN. Do you know anything about conditions in any of those alleys? Do you know anything about conditions in Jackson Alley?

Mr. CATTS. No; I know it is occupied by colored people, and so on, but I do not know anything that is particularly wrong there.

The CHAIRMAN. Or Snow's Court?

Mr. CATTS. All those are about the same thing. As I said, my specialty is looking after the Kenyon law. I do not know anything of that kind in those places.

The CHAIRMAN. Have you found anything of that kind in connection with any of the saloons that are being conducted as such?

Mr. CATTS. Only these that I stated.

The CHAIRMAN. You do know that those three places you have mentioned are notorious places and have been for a long time?

Mr. CATTS. No, indeed. Marks's Hotel at Tenth and E opened their summer garden along about last October, and since that time it has been running. I entered those places one night with Mr. Shoemaker—the Marks, the Grand, and the Philadelphia House—and on those occasions we found conditions very bad; but we visit them, as far as that is concerned, ourselves, sometimes every night—

The CHAIRMAN. And the Grand Hotel has had that reputation for a long while?

Mr. CATTS. Yes, sir.

The CHAIRMAN. For how long?

Mr. CATTS. They lost their license at one time on account of selling to minors.

The CHAIRMAN. For a year or two?

Mr. CATTS. At least that.

The CHAIRMAN. What is the other place?

Mr. CATTS. The Philadelphia House.

TESTIMONY OF MASON L. HOWES.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your full name?

Mr. HOWES. Mason L. Howes.

The CHAIRMAN. What is your position? Are you a detective?

Mr. HOWES. Yes, sir; detailed with Lieut. Catts.

The CHAIRMAN. You are on the Washington police force?

Mr. HOWES. Yes, sir.

The CHAIRMAN. What do you know about conditions at the Grand Hotel?

Mr. HOWES. The Grand Hotel is one of the worst places in Washington.

The CHAIRMAN. How long has it had that character, Mr. Howes, to your knowledge?

Mr. HOWES. For several years. In the year 1912 conditions were very bad, and Mr. Simpson, a member of the first precinct, and myself went there on one occasion and found a young girl there, 18 years old. Mr. Gardner was charged with selling to minors. His license was revoked. He had no license from that time up until just before the last inauguration. He had organized a hotel company, and got a license at that time. After that for about perhaps eight or nine months or a year, he did not conduct this garden and dance hall. For the past year or more he has had this summer garden, which is inclosed in the wintertime in glass. There is a dance hall there and music, and a lot of prostitutes and women of questionable character go there to meet men.

The CHAIRMAN. Do they use the rooms there in the hotel for their purposes?

Mr. HOWES. No, sir; I have no knowledge of their ever using any rooms there. They usually go elsewhere.

The CHAIRMAN. It is rather a place of meeting, where they make their arrangements and go to other places?

Mr. HOWES. And then go elsewhere; yes, sir.

The CHAIRMAN. Did you testify to that situation before the excise board?

Mr. HOWES. No, sir. I was ordered to go there on this date, but it happened that I had a summons in the criminal court on the same date.

The CHAIRMAN. I believe Lieut. Catts said he testified to it.

Mr. HOWES. Yes, sir.

The CHAIRMAN. What do you know about the Philadelphia House?

Mr. HOWES. I never was in the Philadelphia House but once or twice. Conditions were very bad on that occasion.

The CHAIRMAN. When was that?

Mr. HOWES. About the first of the year, some time.

The CHAIRMAN. Who is the proprietor of the Philadelphia House?

Mr. HOWES. A man by the name of Edelin.

The CHAIRMAN. Is he a colored man or a white man?

Mr. HOWES. A colored man.

The CHAIRMAN. What did you see there that was bad?

Mr. HOWES. I saw a lot of colored prostitutes, women of that character, singing and dancing, and a lot of noise—a very bad place. In our work we find that quite a number of these people we have arrested met in those places and went away from there.

The CHAIRMAN. People that you have arrested often go to other parts of the city?

Mr. HOWES. They have told us that they came from there.

The CHAIRMAN. From the Philadelphia House?

Mr. HOWES. Yes, sir. In other instances we have followed them away from there.

The CHAIRMAN. What do you know about the Marks place?

Mr. HOWES. That is just about the same class as Gardner's; perhaps a little worse at the present time.

The CHAIRMAN. How long has it borne that character?

Mr. HOWES. Since last October. He opened that place before a license was granted. He started this garden, but the conduct of the place did not develop so bad until after the license was granted.

The CHAIRMAN. What takes place there?

Mr. HOWES. Prostitutes and women of that character go there every night and meet men there.

The CHAIRMAN. What other places do you know of that are of a questionable character, where there are saloons?

Mr. HOWES. I can not say that any of them are very bad at the present time. We both testified about the Tremont House before the excise board. We took five couples out of this hotel on two different occasions.

The CHAIRMAN. Did you testify as to that before the excise board?

Mr. HOWES. We did; yes, sir.

The CHAIRMAN. When did you take these couples out?

Mr. HOWES. On August 27 and September 5. Other than its being used for that kind of a place, the bar itself appeared to be conducted properly. I also testified against the Park Hotel, at Eleventh and New York Avenue.

The CHAIRMAN. What about that?

Mr. HOWES. It was a place of the character of the Grand Hotel and Marks', only not quite so bad.

The CHAIRMAN. Who is the proprietor of that place?

Mr. HOWES. At that time Frank Endres was proprietor. I understand since it has been transferred to his brother.

The CHAIRMAN. Where is the Park Hotel?

Mr. HOWES. At Eleventh and New York Avenue.

The CHAIRMAN. Do you know how many rooms it has?

Mr. HOWES. I think it has about 30.

The CHAIRMAN. You say you testified against that place before the excise board?

Mr. HOWES. Yes, sir.

The CHAIRMAN. What did you testify about it there?

Mr. HOWES. Just as to the character of the place; about the women that frequented the place. It was a place where they had a dance hall and music, and a great many immoral women visited the place of evenings.

The CHAIRMAN. I would like to ask Gen. Smith one more question. Mr. Smith, have any Senators and Representatives interested themselves in obtaining licenses for any saloon people here in Washington?

Mr. SMITH. There have been.

The CHAIRMAN. Who were they?

Mr. SMITH. I do not recall them by name. I am not very well known to the Members of either House of Congress.

The CHAIRMAN. How do you know they were Senators or Representatives?

Mr. SMITH. It came on paper.

The CHAIRMAN. There were letters from them, were there?

Mr. SMITH. Letters and verbal communications.

The CHAIRMAN. You do not recall the names?

Mr. SMITH. No.

The CHAIRMAN. Are those letters a part of your records in connection with the cases?

Mr. SMITH. No, sir.

The CHAIRMAN. Have you preserved those letters?

Mr. SMITH. I do not think I did.

The CHAIRMAN. Will you see if you have them and let us have them?

Mr. SMITH. I will. I will look in my desk, with pleasure.

ADDITIONAL TESTIMONY OF JOHN E. CATTS.

The CHAIRMAN. Lieut. Catts, do you recall any other place of questionable character?

Mr. CATTS. The Park Hotel, on New York Avenue.

The CHAIRMAN. Tell us about that.

Mr. CATTS. That place is now being frequented. While they do not have music, as they used to have, it is frequented by about the same class of people; not quite as bad as those I mentioned, but still there is quite a few of them go there.

The CHAIRMAN. That is, to the Park Hotel?

Mr. CATTS. Yes, sir.

The CHAIRMAN. How long has it been a place of that character?

Mr. CATTS. Several years.

The CHAIRMAN. Did you testify to that fact?

Mr. CATTS. No, sir; I was not subpoenaed in that case.

The CHAIRMAN. Mr. Howes stated that he testified?

Mr. CATTS. Yes, sir.

TESTIMONY OF DR. JOHN T. COLE.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your residence?

Dr. COLE. 820 H Street NE.

The CHAIRMAN. How long have you been a citizen of the District of Columbia?

Dr. COLE. Since 1892. I was appointed physician to the poor in the community in which I live now, and I have served in that capacity ever since.

The CHAIRMAN. What is the State of your nativity?

Dr. COLE. Virginia.

The CHAIRMAN. Did you come here from Virginia?

Dr. COLE. From Alexandria.

The CHAIRMAN. Is there a saloon now located near to you?

Dr. COLE. Right next door to me, sir.

The CHAIRMAN. What saloon is that?

Dr. COLE. It is owned by Timothy Hanlon.

The CHAIRMAN. When was it established there, Doctor?

Dr. COLE. Just about a year ago to-day, I think. It was opened up and a license was granted in November, 1913.

The CHAIRMAN. The license was granted by this present excise board?

Dr. COLE. Yes, sir.

The CHAIRMAN. And renewed last November?

Dr. COLE. Yes, sir. It was a case of transfer from what was supposed to be the slums. Wylie Court has been mentioned in the proceedings here. They came from Wylie Court there into a respectable community, a respectable section of the city in the northeast section.

The CHAIRMAN. Proceed, Doctor, and tell us what protest was filed against that transfer, and why.

Dr. COLE. Well, it was in close proximity to \$500,000 of property interests in the immediate block on either side of the street. Ninety per cent of the property owners protested, especially on the square in which the saloon was located. Opposite, on the opposite corner, there was a Jewish synagogue. I suppose it had about 50 or 60 members.

The CHAIRMAN. You mean just across the street from the saloon?

Dr. COLE. Directly opposite.

The CHAIRMAN. About what distance?

Dr. COLE. Just the width of the street. I can not tell you the exact distance. Anyhow, it is certainly within 300 feet. The synagogue people protested. They even took their charter down of their little church, and it was thrown out, just like it was a piece of chaff. I was in hopes that Judge Strasburger would have been subpoenaed here this morning to bear me out in some of my statements. He is the son-in-law of the owner of this house in which this little synagogue was, and they were negotiating for the property in order to

build a church, and they learned that the saloon was coming opposite them and that a license had been granted, and that blocked the deal. Since then they have bought a building at the corner of Eighth and I Streets, two blocks from the location where they were formerly located.

The CHAIRMAN. Was that fact laid before the board?

Dr. COLE. Certainly. They had the charter granted by the District of Columbia.

The CHAIRMAN. They wanted to buy this house exclusively for religious purposes?

Dr. COLE. That is what they wanted to buy it for, for use exclusively for religious purposes. There was a mission, which I did not at the time place very much weight upon, because it grew up there spasmodically, during the pendency of this man's application. It continued up until a few weeks ago, and that was stopped by some influence from the liquor people or the police department. You can not get any protection out there from the police station in that section, I am very sorry to state, particularly as pertaining to saloons. They talked up this saloon in the hearing as though it was the buffet of the Metropolitan Club or the Waldorf-Astoria. It could not have been praised any higher by either the lieutenant or the captain of that precinct.

The CHAIRMAN. Is your office in your residence?

Dr. COLE. It is. I have been located there for 17 years, right in that house.

The CHAIRMAN. And the saloon is next door?

Dr. COLE. The saloon is next door.

The CHAIRMAN. How many other residents in that same block are there?

Dr. COLE. There are three private residences there now, but there are stores in the block. Most of those stores are owned by Mrs. Hughes, who owns the corner residence, or practically next to the corner, and they are tenanted by people and have been for years, on both sides of the street. All of those houses are tenanted by people.

The CHAIRMAN. You mean for residence purposes as well as business purposes?

Dr. COLE. Yes, sir; I have had patients in that block 20 years, right along, on both sides of the street.

The CHAIRMAN. As a matter of fact, then, it is as much of a residence section as it is a business section?

Dr. COLE. Just as much of a residence block and street as it is a business block.

The CHAIRMAN. Is it more so? Would you say it was more so?

Dr. COLE. No; I suppose on my side of the street there are about six or seven stores. On the opposite side there are all stores, but they are occupied above by tenants.

The CHAIRMAN. Are all those stores occupied above by tenants?

Dr. COLE. Yes, with the exception of one over a hardware store. That is the only one in the block not occupied.

The CHAIRMAN. How about the streets on the side of that block?

Dr. COLE. Entirely residential, north and south; entirely residential. The only business houses are on H Street.

The CHAIRMAN. You say 90 per cent of that block protested against this saloon?

Dr. COLE. Yes, sir.

The CHAIRMAN. As well as the people across the street who wanted to establish a synagogue?

Dr. COLE. Yes, sir. You have the records right there, and a copy of my papers filed with the excise board. I went over them thoroughly with Gen. Smith at the time of the hearing. At his own request I sat at the table there, and he asked me to cite those houses.

The CHAIRMAN. And the people on all the other three corners opposite the saloon made protests?

Dr. COLE. Yes, sir. Mackall Bros., the druggist, who has been there for years—

The CHAIRMAN. What reply did Gen. Smith make to representatives on that question?

Dr. COLE. They did not say anything; they simply reserved their decision, and then it came out two or three weeks later.

The CHAIRMAN. How has that saloon affected your business?

Dr. COLE. It has affected it quite materially. I have noticed a falling off in my lady patients.

The CHAIRMAN. Your lady patients?

Dr. COLE. Yes, sir. Of course, there are a number of them that would come no matter where I was located; but there are patients that it is objectionable to, especially during the summer season.

The CHAIRMAN. How has it affected the peace of your family?

Dr. COLE. They are disturbed at night. You can hear the boisterous conversation in the saloon right under my bed chamber, and it is very obnoxious.

The CHAIRMAN. Have you any further statement?

Dr. COLE. I would like to go further.

The CHAIRMAN. Go ahead and give us all you know in regard to it.

Dr. COLE. On the night of the 21st of October I attended a joint meeting of the anthropological society and the medical society at the Public Library, and I walked down Ninth Street with a friend of mine, Dr. Johnston Elliott. I was in hopes to have had him here to-day. I met the attorney who represented Mr. Hanlon in his application for a license in November, and I stopped him. We recognized each other on the street, and he said, "Well, we are going to get that license; you might as well get ready to move out. The saloon will move you away anyhow." I said, "I will not do it." He says, "Come down to see us on the 1st of November, and we will buy your property."

The CHAIRMAN. Who was that?

Dr. COLE. That was the attorney, Mr. Keane—Michael J. Keane. He says, "We are going to get the license." This was four or five days after the hearing. He said, "You might as well sell your property; we are going to get it—we are going to get a license, and you will get tired of making complaints before another year rolls around." I said, "I do not think I will get tired."

The CHAIRMAN. This Michael J. Keane was one of the lawyers who represented Mr. Hanlon?

Dr. COLE. One of the lawyers who represented Mr. Hanlon in the hearing last November.

The CHAIRMAN. Is Mr. Hanlon the owner of the saloon?

Dr. COLE. Yes, sir. He said, "It cost us \$12,000 for that man to get in there."

The CHAIRMAN. This lawyer told you it cost \$12,000 for Hanlon to get in there?

Dr. COLE. Yes, sir. I said, "What do you mean by that? It certainly could not have cost over a thousand dollars. In fact, I have had it variously estimated, and it would not amount to \$1,500." He said, "I mean, attorneys' fees and other things."

The CHAIRMAN. Attorneys' fees and other things?

Mr. SMITH. Did that amount include the stock, fixtures, good will, and the property—the real estate?

Dr. COLE. He said it cost him that much money to get into the place.

Mr. SMITH. It would make a difference whether he owned the property or not.

Dr. COLE. No; he rents the property. I am getting a little bit ahead of my story.

The CHAIRMAN. Go ahead in your own way.

Dr. COLE. In April, 1914, after several unsuccessful attempts to interview Mr. Sheehy relative to the conditions next door to me—a license had been granted since, in fact. This was in April, which is a few days before he resigned. I was never able to have an interview with Mr. Sheehy. He was always closeted, and I could not see him.

The CHAIRMAN. That is, while he was chairman of the board?

Dr. COLE. While he was chairman of the board. I could not get him at his house or at his private office. Finally, one Friday evening, I did locate him. His phone was not in order. I believe the wire had been clipped for a time, for 10 days, at his house. He came to the phone and I told him who I was and that I had been trying to have an interview with him. He says, "What about?" I said, "Relative to the conditions next door." He said, "You come down to my office to-morrow morning at 10 o'clock and I will give it to you right in the teeth." This coming from the chairman of the excise board! I said, "What is that you said, sir?" He said, "You know damn well what I said," and he repeated it. I said, "I am going to give you all the troubles I can. I will not come to see you." So I immediately came up to the Capitol and saw several gentlemen whom I had the honor of being acquainted with and have known for a good many years. Among them was Senator Jones, to whom I had been introduced by a Representative. I related my story to him. That was on a Saturday morning that I interviewed Senator Jones, and the following Tuesday Sheehy's resignation went in. Since then he has been appearing before the excise board as an attorney, as we all know. I have talked with Gen. Smith and talked with Mr. Baker personally and made a personal appeal. I had a friend, a Representative, write a letter in my behalf. You have them on file there in my papers. It was a very strong appeal. No attention whatever was paid to it. It did not get the slightest consideration.

The CHAIRMAN. Doctor, had any saloons been operating in that neighborhood before that time?

Dr. COLE. There had been a saloon on the corner of Eighth and H. This is at Ninth and H.

The CHAIRMAN. But in that block?

Dr. COLE. No; that was simply transferred from the slums into a respectable community. You have the data right there, just as they have it on file at the excise board—everything.

The CHAIRMAN. You gave me a statement of the annoyances that the saloon has caused you?

Dr. COLE. Yes. My son wrote that. It is a little superfluous, probably, but at the same time it hits the spot.

The CHAIRMAN. I think it would be a good idea to make it a part of the record right here.

(The letter referred to is as follows:)

WASHINGTON, D. C., August 31, 1914.

HONORABLE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

GENTLEMEN: I desire to file protest against the renewal of a barroom license in the name of Tim Hanlon or other person or persons, at 822 H Street NE., adjoining my office and residence.

It is needless to say that I have been located here for 20 years and the saloon adjoining is very objectionable and a nuisance, being frequently awakened between 12 and 1 o'clock a. m. by the loud and boisterous talking of the patrons in the said saloon. I further say that it is decidedly unnecessary in the block, that we have quite a number of saloons both east and west of us. Also the houses in this square are tenanted by respectable people, the census of which I will be prepared to give at the time of the hearing in this case which I hope you will give me ample notice that I may present my case stronger.

Very respectfully,

JNO. T. COLE.

PROTEST AGAINST BARROOM LICENSE.

HONORABLE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

GENTLEMEN: We, the undersigned owners of real estate and residents keeping house in the neighborhood, respectfully state that the barroom license at No. 822 H Street NE. is not necessary and is objectionable; and we petition against the granting of any license to sell intoxicating liquors at that place for the license year beginning November 1, 1914, to Timothy Hanlon or to any other person or persons whatever.

RESIDENT HOUSEKEEPERS.

Jno. T. Cole, M. D., 820 H Street NE.

W. E. Bradley, D. D. S., 810 H Street NE.

Clara I. Hughes, 800, 802, 804, 806, 808 H Street NE.

J. M. Harr, 901-903-905 H Street and 729 Ninth Street NE.

Flora A. Loyd, 816 H Street NE.

Jennie Cathcart Green, 821 H Street NE. and 728 Ninth Street NE.

Mrs. E. M. Nelson, 802 Ninth Street NE.

Mackall Bros., 823 H Street NE.

J. C. Yost, 715 Ninth Street NE.

C. Parkinson, 808 Ninth Street NE.

Mrs. B. A. Bowman, 815 H Street NE.

The above petitioners are strictly property owners in this square.

1. In sitting in my parlor when the windows are opened, the odors from the saloon are enough to make one sick at the stomach, especially those who have not been used to these smells.

2. My son called an officer to make an investigation as to the noisy and boistrous talking that was going on in Mr. Hanlon's saloon, the noise being very much like that of two men about to engage in a fight. I claim that my son was insulted by Mr. Hanlon, when he told him that he would swear to anything.

3. About 12 o'clock one night the latter part of last summer, I and part of my family were awakened by three or four young colored men who were standing in front of my house loudly talking, cursing, and probably gambling. The noise kept up for a very long while when at last I had to get out of my bed to request them to leave the front of my house.

4. One of the most annoying things that is going on at present in the saloon, is that of thundering noises that jars my house and sounds just as if the wall is about to come through. We are often awakened by these noises which actually jar our beds, and if we be reading or writing we often become startled and frightened. Patients coming into my office ask what these noises are and want to know if there is any danger in

the wall coming through. These questions are not very pleasant for a physician to answer. The only way we can account for these thundering noises is that it must be the kegs of beer, etc., that they are putting in or taking away. It happens any where from the time the saloon opens to the time it closes at night.

5. There is a single or party wall that divides my house from the saloon and often we can hear the loud talking, etc., through this single wall.

6. About a week or so ago an officer was called to my house to stop a man from unloading his boxes of beer bottles in my tree box, directly in front of my house.

7. It is a common occurrence that when I drive up to my house in my machine that I have to stop a considerable distance down the block in order to get to my office. This is caused by the numerous wagons and machines of the patrons, etc., of the said saloon. I was never troubled like this before until the barroom was stationed next door to me.

8. The records of the ninth precinct will show that I have made numerous complaints in regard to this saloon.

The CHAIRMAN. Do you know anything about Wylie Court?

Dr. COLE. Yes, sir; I know all about it. That was in my bailiwick when I was a physician, 20 years ago.

The CHAIRMAN. What is its character?

Dr. COLE. It is inhabited by a very low class of colored people. It is a court that causes the ninth precinct a good deal of trouble—that is, if they want to make it so.

The CHAIRMAN. Gen. Smith, would you tell us what your title as "general" means? Is it merely an honorary title or did you serve in the war?

Mr. SMITH. I had the honor to organize and command the Fourth New Jersey Volunteer Infantry, and it served in the National Guard of the State for 28 years; and on my resignation the Legislature of New Jersey passed a special act brevetting me brigadier general.

The CHAIRMAN. Were you a general in the Civil War?

Mr. SMITH. Oh, no, indeed.

The CHAIRMAN. Did you serve in the Civil War?

Mr. SMITH. I did not; I was not in this country.

At 1.20 o'clock p. m., the committee took a recess until 3.30 o'clock p. m.)

AFTERNOON SESSION.

The committee reassembled at 3.30 o'clock p. m.

Present: Senators Sheppard (chairman), Thompson, Jones, and Dillingham.

The CHAIRMAN. The committee will come to order. Mr. Bride, will you take the stand?

TESTIMONY OF COTTER T. BRIDE.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your full name?

Mr. BRIDE. Cotter T. Bride.

The CHAIRMAN. What is your address here in the District?

Mr. BRIDE. 131 B Street SE.

The CHAIRMAN. That is your residence?

Mr. BRIDE. Yes.

The CHAIRMAN. Have you a business office anywhere?

Mr. BRIDE. No, sir.

The CHAIRMAN. State your official position, Mr. Bride.

Mr. BRIDE. Commissioner, excise board—one of the commissioners.
The CHAIRMAN. Did you accompany the other commissioners and Mr. Shoemaker on a trip at nighttime investigating the saloons in the District?

Mr. BRIDE. Yes.

The CHAIRMAN. You called for Mr. Shoemaker in your automobile?

Mr. BRIDE. I did, sir.

The CHAIRMAN. Did you have any conversation with him regarding the other two commissioners?

Mr. BRIDE. No.

The CHAIRMAN. Did you have any conversation with him regarding collections by anybody?

Mr. BRIDE. No, sir.

The CHAIRMAN. Did you see the statement, made here in the hearing, that you said to Mr. Shoemaker that W. F. Columbus and young Baker were making collections?

Mr. BRIDE. No, sir; that is entirely untrue.

The CHAIRMAN. Did you see that statement?

Mr. BRIDE. I saw the statement. I think that must be a mistake.

The CHAIRMAN. You made no such statement?

Mr. BRIDE. Somebody else must probably have told him, to the best of my knowledge.

The CHAIRMAN. Do you know of any Senators or Representatives who have interested themselves in behalf of any applicants for license in the District?

Mr. BRIDE. No; I do not remember.

The CHAIRMAN. Do you know whether any official of the Government, outside of Senators and Representatives, has interested himself in behalf of applicants for license?

Mr. BRIDE. I can not remember.

The CHAIRMAN. You can not remember?

Mr. BRIDE. Yes; I do not remember, sir. Who, outside of the Government? Who do you mean?

The CHAIRMAN. Outside of Representatives and Senators, any official of the Government here in town.

Mr. BRIDE. No, sir.

The CHAIRMAN. You do not remember that they did?

Mr. BRIDE. I am positive that they did not.

The CHAIRMAN. You are positive that they did not?

Mr. BRIDE. Yes, sir.

The CHAIRMAN. Are you positive that no Senator or Representative did?

Mr. BRIDE. They might have, but I can not remember any of them. Not that I know of. I can not remember.

The CHAIRMAN. You do not say positively, however, that they have not?

Mr. BRIDE. They may have, but I do not remember. We have so much in our heads—so much to do—that I could not remember all those things.

The CHAIRMAN. But you do remember that none of the officials of the Government, outside of Senators and Representatives—

Mr. BRIDE. I know that positively.

The CHAIRMAN (continuing). Have interested themselves?

Mr. BRIDE. Yes, sir; I know that.

The CHAIRMAN. Mr. Bride, we have pretty thoroughly gone over the different matters in connection with measurements between saloons and colleges and universities, with Gen. Smith, the chairman of the board.

Mr. BRIDE. Yes.

The CHAIRMAN. And the other matters involved in this hearing, and I hardly think it necessary to go into the same details with you?

Mr. BRIDE. They are all correct.

The CHAIRMAN. If you have any observations or statements or suggestions you would like to make, we would be glad to have them.

Mr. BRIDE. We went all over these things, and they are correct. We went all over those 300 places.

The CHAIRMAN. You went all over what?

Mr. BRIDE. Over those 300 places, and over the 50-room hotels, and there is nothing I have to add to what has been said.

The CHAIRMAN. Did you hear his testimony?

Mr. BRIDE. He told me, yes, sir, about it.

The CHAIRMAN. Did you know that Mr. Sheehy had charged a \$5,000 contingent fee—he and his partner?

Mr. BRIDE. I did not, sir.

The CHAIRMAN. To represent an applicant for a license?

Mr. BRIDE. I did not, until I saw it in the paper.

The CHAIRMAN. When did you see it in the paper?

Mr. BRIDE. Right after the suit, I think. They brought a suit. You were not here then. I did not know a thing about it.

The CHAIRMAN. Do you recall the fact that Mr. Justice Stafford said that it was contrary to public policy and good morals for a fee of that kind to be charged?

Mr. BRIDE. I saw that.

The CHAIRMAN. Do you agree with him?

Mr. BRIDE. Yes, sir; thoroughly.

The CHAIRMAN. Do you really think that it is necessary for an applicant to have a lawyer to enable him to get his case before you?

Mr. BRIDE. No, sir; he could get along better without him.

The CHAIRMAN. He could get along better without him?

Mr. BRIDE. Yes; a great deal better.

The CHAIRMAN. It has appeared in evidence here this morning that another man paid Mr. Sheehy \$1,100 to represent him before you?

Mr. BRIDE. I did not know that.

The CHAIRMAN. In addition to the \$200 he had paid his regular lawyer?

Mr. BRIDE. I never heard it.

Senator DILLINGHAM. Mr. Commissioner, are a good many recommendations made at the time of these hearings by citizens, outsiders, in relation to the granting of licenses? Do you receive letters, I mean?

Mr. BRIDE. Opposed to them?

Senator DILLINGHAM. Either opposed to them or favoring them?

Mr. BRIDE. Very few favoring them, but all opposed to them.

Senator DILLINGHAM. Are all those letters preserved?

Mr. BRIDE. They are all preserved.

Senator DILLINGHAM. And they are filed in the office?

Mr. BRIDE. And filed; yes, sir.

Senator DILLINGHAM. Everything pertaining to a case that is in writing, of every kind and character, is preserved?

Mr. BRIDE. Filed and preserved.

Senator DILLINGHAM. That is all.

The CHAIRMAN. Do you know why, after the board had decided to give a license to Bush, on E Street, between Thirteenth and Fourteenth Streets, it decided to give the license to Engel instead?

Mr. BRIDE. Yes; I remember that very well.

The CHAIRMAN. Why was that change made?

Mr. BRIDE. We looked over the case the second time, like a man in court, or like you would look over a case, and decided that Mr. Engel was in poor circumstances, while Mr. Bush was not. Mr. Engel gave a first-class meal in his place, and Mr. Bush did not. Mr. Bush was in another business, and Mr. Engel was not.

The CHAIRMAN. Did you not know all that before you decided to grant Bush's license?

Mr. BRIDE. No, sir; we did not.

The CHAIRMAN. Who gave you that additional information?

Mr. BRIDE. We got some more information. I could not tell you where we got it.

The CHAIRMAN. Do you know who gave it to you?

Mr. BRIDE. No; I do not. We did not think this would be brought up again. Then Mr. Bush is just down the street two blocks and a half from there, and he was in business.

The CHAIRMAN. Did it meet your approval for Miller to change his entrance from the Pennsylvania Avenue side, or E Street, around to the Fourteenth Street side?

Mr. BRIDE. Yes, sir; that is right.

The CHAIRMAN. Did that meet your approval?

Mr. BRIDE. Yes.

The CHAIRMAN. Did you not think that that was an evasion of the law?

Mr. BRIDE. No; not any more than the F Street bar.

The CHAIRMAN. What is that?

Mr. BRIDE. The Ebbitt House bar that fronts on F Street and has no entrance on Fourteenth Street. You can not enter from Fourteenth Street.

The CHAIRMAN. But the bar in the Miller saloon is just where it was?

Mr. BRIDE. Except that the bar is fronting on Fourteenth Street.

The CHAIRMAN. The actual room in which the liquors are dispensed is in just the same position?

Mr. BRIDE. Well, you can not call it an E Street bar, Senator. It is a Fourteenth Street bar.

The CHAIRMAN. You can not do it technically; but substantially there are four saloons there on the same side of the street.

Mr. BRIDE. No; there are not. I beg to differ with you.

Senator DILLINGHAM. I would be glad to have you state how you justify the final granting of that license, after declining to grant it in the first place. I would be glad to have your explanation of it.

Mr. BRIDE. We did not decline it in the first place; there were none of them settled.

Senator DILLINGHAM. It amounted to a denial, did it not?

Mr. BRIDE. Oh, no, sir; it did not.

SENATOR DILLINGHAM. Was there not an application?

Mr. BRIDE. Oh, there was an application, of course, for a bar at Fourteenth and E Streets.

Senator DILLINGHAM. Yes. Was that ever acted upon?

Mr. BRIDE. No; never.

The CHAIRMAN. Why not?

Mr. BRIDE. Because he never applied for one.

Senator DILLINGHAM. I thought you said there was an application for license?

Mr. BRIDE. Not on E Street.

The CHAIRMAN. You are speaking, Senator, of the Engel place.

Mr. BRIDE, Senator Dillingham is speaking of the change from Bush to Engel.

Senator DILLINGHAM. Yes; I had that in mind.

Mr. BRIDE. Yes; then you have got it all mixed up. The only reason was that Mr. Engel had a better place, a finer saloon, and gave a better meal, and we thought that should settle it; and besides, he had no other business and Mr. Bush had. Mr. Bush is in the automobile business, what you call those sight-seeing cars. That is what we were told. And somebody made an inkling there that he wanted to sell out; and generally when a fellow wants to sell out, we put him out. If we found that a saloon keeper wanted to sell out we would put him out and let the other fellow in.

The CHAIRMAN. Did you hear the testimony in the hearings with regard to the licensing of the bar in the Grand Hotel?

Mr. BRIDE. The testimony. There was no bad testimony against that place. I wish there was.

The CHAIRMAN. You say there was no bad testimony against it?

Mr. BRIDE. No, sir. That was a misfortune. They all come out now, all right, but not before.

Senator DILLINGHAM. Was the testimony all preserved, that was taken in that case?

Mr. BRIDE. Yes; we have got it. I think we have got it here, Senator.

The CHAIRMAN. Was there any bad testimony against the place run by Marks—the hotel run by Marks?

Mr. BRIDE. Where is Marks?

The CHAIRMAN. 1000 E Street NW.

Mr. BRIDE. We did hear but one bad report, and it was not very bad. Just one bad report. I do not remember that, now. I do not recall.

The CHAIRMAN. Mr. BRIDE, when the saloon license was granted to Mr. Hanlon to transfer from—Wileys Court, was it, Dr. Cole?

Dr. COLE. At Third and H Streets, in the vicinity of Wileys Court.

The CHAIRMAN. To what number?

Dr. COLE. To 822 Eighth Street.

Mr. BRIDE. I was not on the board at that time.

The CHAIRMAN. You were not on the board at that time?

Mr. BRIDE. No, sir.

The CHAIRMAN. That was the time that Mr. Sheehy was chairman of the board?

Dr. COLE. Yes; I would like to say that Mr. BRIDE was not on the board when that case was handled, and I have no criticism to make of Mr. BRIDE except that of favoritism.

The CHAIRMAN. Was not the license renewed last November?

Dr. COLE. Yes.

The CHAIRMAN. You were a member of the board when the license of Mr. Hanlon was renewed?

Mr. BRIDE. Yes.

The CHAIRMAN. Is it not a fact that 90 per cent of the people in that section protested against that bar being put there?

Mr. BRIDE. I can not remember, Senator. I could not remember that. You have got about 500; and you can't remember. I can not remember all those things.

The CHAIRMAN. You say you assisted in making these measurements from the saloons—

Mr. BRIDE. Every one of them?

The CHAIRMAN. To the churches and schoolhouses.

Mr. BRIDE. Every one of them, Senator.

The CHAIRMAN. The committee will be glad to have any statement you care to make.

Mr. BRIDE. That is about all I know, I think.

The CHAIRMAN. You can stand aside for the present.

Mr. BRIDE. All right, sir.

The CHAIRMAN. I forgot to ask you, Mr. Bride, how long you have been a citizen of the District?

Mr. BRIDE. I came here in June, 1871.

The CHAIRMAN. From what State did you come here?

Mr. BRIDE. I came directly from Dayton, Ohio.

TESTIMONY OF HENRY S. BAKER.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your full name?

Mr. BAKER. Henry S. Baker.

The CHAIRMAN. What is your address here in town?

Mr. BAKER. 1108 Sixteenth Street.

The CHAIRMAN. How long have you been a citizen of the District?

Mr. BAKER. A little over 10 years.

The CHAIRMAN. From what State did you come here, Mr. Baker?

Mr. BAKER. From West Virginia.

The CHAIRMAN. What is your official position?

Mr. BAKER. I am one of the excise commissioners of the District of Columbia.

The CHAIRMAN. I do not know that I have any particular questions to ask you. We have gone into these matters so thoroughly with Gen. Smith, and I am calling you more to give you an opportunity to say anything that you desire to say regarding the administration of the affairs of the excise board. The committee would be glad to have you make any statement?

Mr. BAKER. In general, I think I can verify everything he said, sir. We have given these things thorough study and given it a great deal of our time—in fact, all of my time—and went into it very thoroughly.

The CHAIRMAN. I want to say to you and the other commissioners that we will have these proceedings published, and we already have the typewritten copies of them, and we will be glad to give you a

copy of them, and hold the matter up until you can have an opportunity to answer anything that has been said in a critical way in any part of the proceedings. We want to give you a fair opportunity in this matter and give everybody fair play. I think that will do.

Mr. BAKER. Senator Sheppard, I have one further statement I would like to make.

The CHAIRMAN. Very well.

Mr. BAKER. I emphatically deny the assertion that was made here yesterday as to my having received anything from anybody, through my son or anyone else. I want to have that put in the record. I have been accused here of having my son make collections. I emphatically deny that as having come from Mr. Bride, and he denied having said it. I deny having any knowledge of such a thing.

The CHAIRMAN. The statement was that they were making collections. He did not ask, I think, what their character was.

Mr. BAKER. "For Mr. Baker," the paper says.

The CHAIRMAN. I do not recollect exactly what the testimony was, but the record will show, and your denial will go in.

Mr. BAKER. I am not quoting from the record, of course; I am quoting from the newspaper article.

The CHAIRMAN. What is your opinion of the ethics of a lawyer charging \$1,000 to \$5,000 to present a case to you for the granting of a saloon license?

Mr. BAKER. That is purely a business transaction, and I really have not any opinion about that.

The CHAIRMAN. This granting of a license is purely a question of fact, is it not?

Mr. BAKER. What is that?

The CHAIRMAN. It is purely a question of fact? You pass on the facts?

Mr. BAKER. Conditions and facts and everything, sir.

The CHAIRMAN. There are no abstruse legal questions involved; no complicated legal problems?

Mr. BAKER. No; I do not see that there are.

The CHAIRMAN. As a matter of fact, would not everybody get equal justice from you and your associates if they did not have a lawyer at all?

Mr. BAKER. No doubt of it.

The CHAIRMAN. They would do just as well?

Mr. BAKER. And I have advocated it over and over again. If I had a person that spoke to me about it, I would say "You will get just as fair treatment without an attorney as with one." We go into each and every case, whether there is a lawyer in the case or not. To get personal knowledge we visit these places, and we have been controlled very much in our decisions by our own personal observation of these places. They did not go on the stand and give it, but we got this information by personal observation in our rounds of visits.

The CHAIRMAN. Did you know that Mr. Sheehy and his partner had made a contract for a contingent fee of something like \$5,000 in the case of an application for a license in the Evans Building, at the time the hearing was held?

Mr. BAKER. No, sir. The only thing I have is through the newspapers.

The CHAIRMAN. Did you see Mr. Justice Stafford's decision?

Mr. BAKER. We had a letter from Mr. Wilson, stating the facts.

The CHAIRMAN. Did you see Justice Stafford's decision on the matter?

Mr. BAKER. I read it; yes, sir; in the paper. Now, I did not see the decision; I read the newspaper.

The CHAIRMAN. You read where he denounced it as being contrary to public policy and good morals?

Mr. BAKER. Yes; in the newspaper.

The CHAIRMAN. Is it within the power of your excise board to refuse to permit an attorney to appear before them?

Mr. BAKER. I should think so, although we have never exercised that.

The CHAIRMAN. Have you made any effort to investigate the character of the men who appeared before you as attorneys—lawyers?

Mr. BAKER. No; I can not say that we have. We have never had any occasion to.

The CHAIRMAN. Have any attorneys ever consulted you privately regarding any cases that they had?

Mr. BAKER. No, sir; I would not have permitted it.

Senator THOMPSON. Did you hear the testimony of your associate, Mr. Smith, this morning?

Mr. BAKER. No, sir.

Senator THOMPSON. You did not hear it?

Mr. BAKER. I did not hear it.

Senator THOMPSON. I presume the board is a unit on the proposition of these measurements?

Mr. BAKER. Yes, sir.

Senator THOMPSON. Upon the theory that the nearest way across is the shortest way around?

Mr. BAKER. We did not so regard it.

Senator THOMPSON. What is that?

Mr. BAKER. We did not so regard it, Senator.

Senator THOMPSON. The law provides that you shall pursue the measurements according to the shortest course of travel?

Mr. BAKER. Yes, sir.

Senator THOMPSON. And did you approve the idea of making the square corners?

Mr. BAKER. Yes.

Senator THOMPSON. A man going to or from a saloon does not generally turn a square corner, does he?

Mr. BAKER. Well, maybe not.

Senator THOMPSON. As a matter of fact, the shortest course of travel would mean what it says in the law, does it not?

Mr. BAKER. Well, I don't know but what it would.

Senator THOMPSON. That is, if you had a measurement that would be 400 feet by a square corner, and a person in taking the usual course of travel would naturally go a distance of only 397 feet or 395 feet, which measurement would you accept?

Mr. BAKER. I do not just get that.

Senator THOMPSON. I say, if by the square corner measurement that was mentioned this morning the distance from a saloon to a church or to an educational institution, a public school or a college, was 400 feet by a square corner and only 395 feet by the usual course of travel, which would you accept as the criterion to go by?

Mr. BAKER. We would take the 400, very likely.

Senator THOMPSON. You would take the 400?

Mr. BAKER. Yes; observing the traffic regulations and things to guide us, if it measured 400 feet, we would be very likely to take that.

Senator THOMPSON. Then you would permit the place to run if it was a question of distance?

Mr. BAKER. Yes; if all other things were equal, you understand.

Senator THOMPSON. In the construction of the law, do you maintain the idea that in the city of Washington there must be 300 saloons?

Mr. BAKER. I am not prepared to say that.

Senator THOMPSON. The law is that there shall not be exceeding 300?

Mr. BAKER. Yes.

Senator THOMPSON. As I understood the chairman, it has been construed to mean that there shall be that number?

Mr. BAKER. I should think, when there is only one number named given to you, you are supposed to get as near that number as possible.

Senator THOMPSON. Then what is the use of the words "not exceeding"? Why not say "there shall be 300 saloons in the city of Washington"?

Mr. BAKER. It meant that you could not go over that number, and that is your limit.

Senator THOMPSON. Then, in order to get a reduction in the number of saloons, it will be necessary for Congress to fix a minimum?

Mr. BAKER. I do not say that.

Senator THOMPSON. Or to reduce the number by law?

Mr. BAKER. I do not say that; no, sir.

Senator JONES. You think you could get a reduction with a new board, do you not?

Mr. BAKER. You could get it with this board if circumstances required it.

Senator JONES. I thought you said the law required that you should get up as near the limit as possible?

Mr. BAKER. No; I say if you could get, within the law, so many eligible people and all that; but I do not say you are required to keep up to that number.

Senator THOMPSON. You disagree with him on that point, then?

Mr. BAKER. What; that we are required to keep up to that number?

Senator THOMPSON. Yes.

Mr. BAKER. I do not know what he said, but I do not think we are required to keep up to that number.

Senator THOMPSON. You have that number now?

Mr. BAKER. We have that number now.

The CHAIRMAN. As I understand it, Gen. Smith said that they should have 300 provided that 300 complied with all the requirements of the board and the law. Is not that right, Gen. Smith?

Mr. SMITH. Correct, sir.

Senator THOMPSON. The law also limits the number of saloons on a block in the city, does it not?

Mr. BAKER. Yes.

Senator THOMPSON. Not more than three on a side, I believe, and not more than four in the block on both sides of the street between intersecting streets.

Mr. BAKER. Yes, sir.

Senator THOMPSON. I do not know whether you have been examined relative to the Miller place, opposite the New Willard Hotel.

Mr. BAKER. No, sir.

Senator THOMPSON. The opening, the entrance, in that building was originally on E Street, was it not?

Mr. BAKER. It was.

Senator THOMPSON. And that made too many saloons, according to the law, on that side of the street, as you understood it?

Mr. BAKER. Yes.

Senator THOMPSON. Did you approve of the method of changing the entrance there of that saloon in order to comply with the strict regulation of the law? Do you think that was proper, to change that entrance to the Fourteenth Street side, and then run the business the same as it was always before?

Mr. BAKER. It is on Fourteenth Street. It is licensed for Fourteenth Street, not on E Street.

Senator THOMPSON. Do you think that a subterfuge of that kind is all right, a change simply of an entrance to meet a condition in the law?

Mr. BAKER. I do not know but what it is.

Senator THOMPSON. You think it is?

Mr. BAKER. Yes.

Senator THOMPSON. The saloon is there just as it was before?

Mr. BAKER. Yes.

Senator THOMPSON. The question is whether there are three or four saloons in that block. There were four according to the admitted facts, as admitted by everybody, before the entrance was changed. That is right, is it not?

Mr. BAKER. There were; yes, sir.

Senator THOMPSON. That saloon is there yet, and they simply changed the entrance. Are there not four saloons in that block at the present time, on that side of the block?

Mr. BAKER. No, sir.

Senator THOMPSON. You think not?

Mr. BAKER. No.

Senator THOMPSON. Are you familiar with the Mergner place, on East Capitol Street?

Mr. BAKER. Yes.

Senator THOMPSON. Did you observe that?

Mr. BAKER. Yes.

Senator THOMPSON. Did you observe it before they constructed that fence there?

Mr. BAKER. I do not recall that I did.

Senator THOMPSON. Do you know as a matter of fact that without that fence there that place was within 400 feet of a public school of the city?

Mr. BAKER. I do not really know. I did not measure that. We measured as we found conditions, with that fence there.

Senator THOMPSON. What is that?

Mr. BAKER. We measured as we found conditions, with the fence there. I do not know how much it would be if you should take the fence away.

Senator THOMPSON. You do not know that the fence was down before this law went into effect?

Mr. BAKER. I do not.

Senator THOMPSON. Was not that fact shown to you on the hearings?

Mr. BAKER. I do not recall it.

Senator THOMPSON. And that the fence was built there in order to fence out the law?

Mr. BAKER. I do not recollect that fact.

Senator THOMPSON. You think that would be all right, if that was a fact, to measure around that fence after it was put there after the passage of this law, and that it would not be an evasion of the law now to permit the place to run?

Mr. BAKER. I do not know about that.

Senator THOMPSON. You think not. Do you know where the Graff place is, 223 Seventh Street NW.?

Mr. BAKER. Yes.

Senator THOMPSON. Do you know about the measurements there, and who put the little grass plot there, and something in it to measure around?

Mr. BAKER. I do not.

Senator THOMPSON. You do not know anything about that?

Mr. BAKER. I do not recall it, sir.

Senator THOMPSON. As a matter of fact, if it was discovered on the hearing that these things were done for the purpose of evading the law, you, as a member of the excise board, would not permit a saloon to run there, would you?

Mr. BAKER. No; I do not know as we would.

Senator THOMPSON. Were not those facts shown on the hearing?

Mr. BAKER. I do not just recall it.

Senator THOMPSON. Will you have the hearings brought here or sent here in that case?

Mr. BAKER. The hearing is there, I think.

Senator THOMPSON. I do not think there was any call for them in the Graff case.

Mr. SMITH. We will have them brought.

The CHAIRMAN. Will you bring the papers in the Graff case and in the Mergner case?

Mr. SMITH. With pleasure.

Mr. BAKER. It is here.

Senator THOMPSON. I take it that the board would not want to maintain any open subterfuge of that kind to prevent the law operating?

Mr. BAKER. No, sir.

Senator THOMPSON. And if it was shown there, the license would be wrongfully issued?

Mr. BAKER. Yes.

Senator THOMPSON. And the place ought to stop, is not that right?

Mr. BAKER. I am not prepared to answer that.

Senator THOMPSON. But you do approve of that change that was made at Fourteenth and E Streets?

Mr. BAKER. Yes.

Senator THOMPSON. Was your attention called to the two saloons in the neighborhood of the place where the Salvation Army holds its religious meetings?

Mr. BAKER. I have no doubt that was so; that our attention was called to it.

Senator THOMPSON. There was a protest by the Salvation Army and by other people against those saloons there?

Mr. BAKER. As a house of religious worship. That was the protest. That is the law on this subject.

Senator THOMPSON. It is a house of religious worship, so far as the Salvation Army is concerned? That is where they worship, is it not?

Mr. BAKER. Well, that is—

Senator THOMPSON. You do not maintain that there is any discretion placed by Congress in the law for the excise board to determine what was a proper religious organization?

Mr. BAKER. No; not because it was—

Senator THOMPSON (continuing). Whether it was the Salvation Army or Unitarian or Presbyterian or Methodist, it was not for you to say whether or not that was a proper religious order?

Mr. BAKER. No, sir.

Senator THOMPSON. If the Methodists were holding their regular meetings there, would you have any other construction as to whether it was an evasion of the law to locate two saloons in the neighborhood of a place of worship?

Mr. BAKER. I do not know in that sense. The law formerly, Senator, had "a place of religious worship," which was struck out of the law—that would be one on a street corner—and it was made to read "a house of religious worship" instead.

Senator THOMPSON. That would include the saloons down by the Franklin Statue, at Tenth and D Streets, where many people hold meetings?

Mr. BAKER. That would be a place of public worship, yes.

Senator THOMPSON. But I understand the Salvation Army have a house of public worship within a few yards of two saloons located by the excise board, and that they protested and other citizens did likewise. Is that true or not? They have a house there; not a place in the street.

Mr. BAKER. Used exclusively for religious purposes?

Senator THOMPSON. Was the matter decided on that point?

Mr. BAKER. No; but a church, a house of religious worship, is not a place where merchandizing is carried on.

Senator THOMPSON. The distinction was made, then, because there was some business transacted there?

Mr. BAKER. That is the way we regarded it.

Senator THOMPSON. How about these Catholic fairs which are held in the Catholic church?

Mr. BAKER. It is a Catholic church, all right, dedicated for that purpose.

Senator THOMPSON. It is their place of worship, is it not?

Mr. BAKER. Yes.

Senator THOMPSON. Do you mean because some one else has some other business or does something else at this place, or about it, that it changes its religious character—that is, the character of the house itself—to that of a public place of business? Is that it?

Mr. BAKER. I do not know as——

Senator THOMPSON. In other words, because there is a bicycle business underneath this house of worship of the Salvation Army, you think that changes the character of the house from that of a house of worship, so that you can put a saloon where you please along there?

Mr. BAKER. I would think so, sir.

The CHAIRMAN. As a matter of fact, what other business is being conducted in the building in which the Salvation Army holds its worship?

Mr. BAKER. I do not just recall, but I was under that impression. I may be mistaken about that. I was thinking about the Central Union Mission, possibly. It has a lodging house and a lunchroom. It may be I have gotten the Central Union Mission mixed with the Gospel Mission.

The CHAIRMAN. Then you do not recollect whether this house where the Salvation Army meets is used for any business purpose or not?

Mr. BAKER. No; I do not recall. I was confused between the Central Union Mission and the Salvation Army. I am not aware of the Salvation Army, about whether there is business under it or not.

The CHAIRMAN. If the building occupied by the Salvation Army was used by it exclusively for religious worship, would you then hold that a saloon could not be located within 400 feet of it?

Mr. BAKER. I should think not; that is, if it is conducted wholly for religious services as a church, it should be so regarded by the excise board.

Senator JONES. Who put the word “exclusively” in this law?

Mr. BAKER. No one.

Senator JONES. You apply that and make that a part of the law, do you not?

Mr. BAKER. A house of religious worship I was taking to be conducted for that purpose. I may be in error in that, you know.

Senator JONES. Have you not got that into your regulations, that it must be a place used exclusively for religious worship? Is not that in your regulations?

Mr. BAKER. I do not so recall it.

Senator JONES. I understood that that was a part of your regulations.

The CHAIRMAN. They have announced that they follow that rule whether they put it in their rules and regulations or not.

Senator JONES. I thought they put it in their rules. That is not put in the rules?

Mr. BAKER. I think not.

Senator JONES. But you follow that, as a rule?

Mr. BAKER. As a rule, in helping us to decide.

Senator JONES. Why do you do that?

Mr. BAKER. I do not know, any more than to get at a——

The CHAIRMAN. You found out that was the only way to permit the location of saloons at certain places, did you not?

- Mr. BAKER. No; I can not say that.
- Senator JONES. If you had followed another rule you would have excluded them, would you not, in a great many instances?
- Mr. BAKER. Possibly; possibly so.
- Senator JONES. And by putting that in you do not exclude them?
- Mr. BAKER. Yes.
- Senator JONES. So that was the purpose in putting that in?
- Mr. BAKER. No, I do not think so. We had to reach some conclusion how to treat the things.
- Senator JONES. You have not shut anyone out within 400 feet of a place of worship where you could put them in under that rule, have you?
- Mr. BAKER. I can not just answer.
- Senator JONES. You do not recall any, do you? Mr. Baker, who made these rules and regulations?
- Mr. BAKER. The board.
- Senator JONES. Who prepared them?
- Mr. BAKER. Each one. Every one had a hand in it.
- Senator JONES. Did any one of the board make a draft and then submit it to the board?
- Mr. BAKER. No, sir.
- Senator JONES. You got together and talked each one over generally?
- Mr. BAKER. We got right together.
- Senator JONES. And then decided on it?
- Mr. BAKER. We worked in the office all together up until 10 or 11 o'clock at night.
- Senator JONES. Mr. Sheehy did not prepare a draft of these rules and regulations and then submit them to the board for discussion and consideration and adoption?
- Mr. BAKER. No, sir.
- Senator THOMPSON. You know about the Central Union Mission, on Louisiana Avenue, do you not?
- Mr. BAKER. Only by observation, passing by.
- Senator THOMPSON. You know that they have owned a large property there for years, and religious services are carried on there every day, do you not?
- Mr. BAKER. I have been told so.
- Senator THOMPSON. Yes; and yet there are several saloons located within 400 feet of that place, are there not?
- Mr. BAKER. I just can not recall.
- Senator THOMPSON. Three or four?
- Mr. BAKER. I say that I can not just recall.
- Senator THOMPSON. What is the position of the board on that?
- Mr. BAKER. We do not regard it as a house of religious worship.
- Senator THOMPSON. Do you not regard a place used as a house of religious worship, where religious worship is carried on every day of the week and every evening and on Sunday, as better established than a cathedral that only holds church on Sunday. Would you not think that was more identified as a place of public worship, worship being held there every day?
- Mr. BAKER. I would not be prepared to answer that.
- Senator THOMPSON. You would not? Do you not know, as a matter of fact, that it is to prevent the interference with schools and

colleges and churches which, under our policy of law, are to exist free and undisturbed by nuisances, that this law was enacted, and that it was to protect them, and that the saloons were to be thrown out wherever they interfered, and the law not resolved in their favor in order to permit them to run? Do you not think that is the correct construction of this law in the interests of society?

Mr. BAKER. Well, I can not just say about that.

Senator THOMPSON. Well, you do know that its object is to protect those institutions, do you not?

Mr. BAKER. I suppose so.

Senator THOMPSON. That would be the object?

Mr. BAKER. Yes.

Senator THOMPSON. But you have in various instances here discriminated against schools and discriminated against various religious societies on some technical construction of the law? Has not your attention ever been called to that before?

Mr. BAKER. I do not just recall.

Senator THOMPSON. Were not these matters all thrashed out, or at least presented in the form of protests, and in numerous cases by witnesses and petitions, against the issuance of licenses at these very places before the licenses were issued?

Mr. BAKER. There were public hearings held in all cases, and we have had the pros and cons for the places.

Senator THOMPSON. All these matters were brought out then, were they not?

Mr. BAKER. Yes.

Senator THOMPSON. And yet the licenses were issued?

Mr. BAKER. Yes.

The CHAIRMAN. Mr. Baker, the law here says that no license shall be issued to a hotel having less than 50 bedrooms for guests?

Mr. BAKER. Yes.

The CHAIRMAN. In your rules you have added, after the word "hotel," the words "as such."

Mr. BAKER. Fifty rooms.

The CHAIRMAN. Yes; that no license shall be issued to a hotel "as such" having less than 50 rooms. You have altered it to read that way, have you not?

Mr. BAKER. That is, as a hotel. It would have to have 50 rooms and over to be classed as a hotel under the excise laws.

The CHAIRMAN. Yes; but this law says, "Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests." Under this law a hotel may have less than 50 bedrooms.

Mr. BAKER. Not as a hotel.

The CHAIRMAN. But it may not be licensed?

Mr. BAKER. Yes.

The CHAIRMAN. That is true?

Mr. BAKER. Yes.

The CHAIRMAN. Why did you add the words "as such" in your rules after the word "hotel"? You said, "Hereafter no license shall be issued to a hotel as such having less than 50 bedrooms for guests."

Mr. BAKER. I do not just recall why that was made.

The CHAIRMAN. Did you not do it to enable you to give a license to a hotel having less than 50 bedrooms?

Mr. BAKER. No, sir; not as a hotel—a restaurant license.

The CHAIRMAN. I understand; but you give them restaurant licenses?

Mr. BAKER. Yes.

The CHAIRMAN. Why did you think it necessary to put the words “as such” after the word “hotel” if you could give them restaurant licenses anyway? You could give a hotel with 100 rooms a restaurant license. Now, why did you put those words in there?

Mr. BAKER. If they desired that instead of a hotel license, we could.

The CHAIRMAN. Yes; certainly. Why did you add the words “as such” after the word “hotel”?

Mr. BAKER. I could not just tell you why we added that.

Senator JONES. You put that in so that you could issue them a restaurant license, did you not?

Mr. BAKER. No, sir.

Senator JONES. Instead of a hotel license?

Mr. BAKER. No, sir.

Senator JONES. That is the effect of it, is it not?

Mr. BAKER. It may be the effect of it, but it was not put in there for that purpose.

Senator JONES. That is what you have done. Where you have had a hotel with less than 50 rooms that you wanted to issue a bar-room license to, you have issued a restaurant license?

Mr. BAKER. We have issued them a barroom license with restaurant privilege.

Senator JONES. That amounts to the same thing, does it not?

Mr. BAKER. Yes.

Senator JONES. In that way you have evaded that law, have you not, which says that no hotel shall have a license where it has less than 50 rooms? Do you not understand that law to mean that you are prohibited from granting a license to a hotel, whether as a restaurant or any other way, which has less than 50 rooms for guests?

Mr. BAKER. As a hotel?

Senator JONES. No; I do not say as a hotel. Does not that law say that you shall not grant them a barroom license if they have less than 50 rooms?

Mr. BAKER. I do not so regard it.

Senator JONES. Do you not think that that was the intention of the lawmakers?

Mr. BAKER. I do not think so.

Senator JONES. You do not think so. What did you think the intention was, then?

Mr. BAKER. Well, I thought that they wanted that a hotel with 50 rooms would be granted a hotel barroom license.

Senator JONES. What is the difference between a hotel barroom license and a restaurant barroom license? They are both barroom licenses, are they not?

Mr. BAKER. They are; yes.

Senator JONES. The price is the same, the license fee is the same, the same proceeding has to be taken to get them?

Mr. BAKER. Yes.

Senator JONES. What did you understand the law to mean, then, when it says that no hotel with less than 50 rooms shall have a license?

Mr. BAKER. That they could not serve liquors in the rooms of a hotel with under the number of 50 bedrooms.

Senator JONES. The law does not say that. The law does not say that they shall not serve liquor in a hotel where there are less than 50 rooms. The law says you shall not grant a license where there are less than 50 rooms. Not that they shall not sell in the rooms, but that they shall not have any license at all. What does that mean?

Mr. BAKER. We thought that it would be construed that the hotel carried a little bit more privileges in dispensing liquors than a simple barroom.

Senator JONES. Did you call on the corporation counsel for an opinion as to what that meant?

Mr. BAKER. I do not recall now that we did.

Senator JONES. Were you asked by anybody to do it?

Mr. BAKER. I do not recall now that we were.

Senator JONES. You do not recall that you were not, do you?

Mr. BAKER. No, sir.

Senator JONES. You might have been?

Mr. BAKER. Might have been.

Senator JONES. If you were, why did you not call on him for an opinion?

Mr. BAKER. Well, I do not know whether we were called on. I do not recall being called on.

Senator JONES. You do not know of any reason why you should not call on him if you were asked to do it?

Mr. BAKER. No. If we were anyways confused about anything, we would sure take it to him.

Senator JONES. You were perfectly clear about that?

Mr. BAKER. At that time we thought we were perfectly clear.

Senator JONES. You think so now?

Mr. BAKER. Yes; I think so now.

Senator JONES. You think that under that provision you have a perfect right to issue a restaurant license to a hotel that has less than 50 rooms, so long as you call it a restaurant license?

Mr. BAKER. Yes; I think so.

Senator JONES. Suppose they apply for a hotel license?

Mr. BAKER. They would not have hotel licenses under us.

Senator JONES. Yes; I understand. I know that.

Mr. BAKER. I could not tell about that.

Senator JONES. You did not examine any of the records of hotel licenses to see whether or not these places were being run actually as hotels? You made no investigation of that, did you?

Mr. BAKER. We did not.

Senator JONES. Now, I want to ask you about those five saloons fronting on E Street before this license year began. There were five saloons there, were there not?

Mr. BAKER. There were.

Senator JONES. I understand from Gen. Smith that on October 30 the board had decided to grant a license to Mr. Bush, and had refused a license to Mr. Engel; is that correct?

Mr. BAKER. Well, we had it under consideration. We had passed that far, and took Mr. Bush.

Senator JONES. Yes. Do not go quite so fast. You had passed Mr. Bush and decided you would give him a license?

Mr. BAKER. Yes.

Senator JONES. You had also passed Mr. Engel and decided that you would not give him a license?

Mr. BAKER. I do not recall whether we had passed Engel. We had passed Bush.

Senator JONES. Do you not recall that you had finally decided not to give Mr. Engel a license?

Mr. BAKER. Yes.

Senator JONES. You had decided to give Gerstenberg a license?

Mr. BAKER. Yes.

Senator JONES. And you had decided to give Shoomaker a license?

Mr. BAKER. Yes.

Senator JONES. And you had decided to give Bush a license?

Mr. BAKER. Yes.

Senator JONES. That necessarily cut Engel out, did it not, because there could not be but three licenses granted?

Mr. BAKER. Yes.

Senator JONES. Do you not remember directing the assessor to prepare licenses for those three?

Mr. BAKER. I do not recall.

Senator JONES. You do not recall whether you had directed the clerk to do that or not?

Mr. BAKER. No, sir.

Senator JONES. Do you not recall deciding not to give Mr. Bush a license and to give one to Engel?

Mr. BAKER. I do.

Senator JONES. When did that change occur? When was that change made?

Mr. BAKER. That evening.

Senator JONES. On the evening of the 30th or on the morning of the 31st?

Mr. BAKER. On the evening of the 30th, if I recall it right.

Senator JONES. How did you come to make that change?

Mr. BAKER. We went over them before we made a final decision and went into it more thoroughly, and we wanted to make a final wind-up, and on going into it more thoroughly and taking those two into consideration that Engel having a restaurant attachment, and the other being simply a barroom, and the other man having some other means of support, and other evidence—his not giving all of his attention to the saloon business—we concluded to change.

Senator JONES. Those things had all been shown to you before you passed on them, had they?

Mr. BAKER. We had not gone into them very thoroughly as we did finally. We made those changes.

Senator JONES. You had actually ordered—you had actually decided to grant a license to Mr. Bush, had you not?

Mr. BAKER. We had passed Mr. Bush as having granted his license.

Senator JONES. Supposing that your records show that the clerk had been directed to advise the assessor to prepare those licenses, would not that show that you had acted finally on the matter?

Mr. BAKER. No, sir.

Senator JONES. It would not? Do you think the clerk would have notified the assessor beforehand, before you had directed him to?

Mr. BAKER. It might be that he did.

Senator JONES. Do you not know, as a matter of fact, that the board had directed the clerk to advise the assessor to prepare the licenses of Bush, Gerstenberg, and Shoomaker, and that after that had been done you reconsidered and canceled Mr. Bush's license and gave it to Mr. Engel?

Mr. BAKER. Yes.

Senator JONES. Do you not know that fact?

Mr. BAKER. That is a fact; yes, sir.

Senator JONES. What I want to get at is, between the time you advised your clerk to notify the assessor and the time that you finally made the change, what information did you get that was new that led you to make that change?

Mr. BAKER. No information.

Senator JONES. None at all.

Mr. BAKER. We went into it more thoroughly before finally deciding.

Senator JONES. Was it not brought out that some request had come from some other source asking that the change be made?

Mr. BAKER. No, sir.

• Senator JONES. Nobody mentioned that or had called up over the phone?

Mr. BAKER. No, sir.

Senator JONES. The clerk did not say that he had been called up by anybody, advising?

Mr. BAKER. No, sir.

Senator JONES. You are sure of that?

Mr. BAKER. No, sir.

Senator JONES. So that the only thing that led you to make the change was that when you talked over what you had already considered, you decided to give it to Mr. Engel and cancel Mr. Bush?

Mr. BAKER. Yes.

Senator JONES. Did you consider Engel's financial difficulties?

Mr. BAKER. I do not know but what it was mentioned in the discussion.

Senator JONES. Who mentioned it?

Mr. BAKER. I can not recall.

Senator JONES. Who brought up the first suggestion to make the change?

Mr. BAKER. I could not recall.

Senator JONES. You do not remember that?

Mr. BAKER. No, sir.

Senator JONES. Do you remember whether you did or not?

Mr. BAKER. I would not like to say that I did or I would not like to say that I did not. I may have done so.

Senator JONES. Did any Members of the House or Members of the Senate interest themselves in behalf of Mr. Engel?

Mr. BAKER. Not to my knowledge.

Senator JONES. Did any representatives of any political organization interest themselves in behalf of Mr. Engel or against Mr. Bush or in behalf of Mr. Bush?

Mr. BAKER. Not to my knowledge.

Senator JONES. Do you know whether any brewing interests interested themselves in behalf of Mr. Engel?

Mr. BAKER. Not to my knowledge.

Senator JONES. Or Mr. Bush?

Mr. BAKER. No.

Senator JONES. Did you know that Mr. Engel represented here some brewing interests of Milwaukee?

Mr. BAKER. I did not.

Senator JONES. You did not know anything about that?

Mr. BAKER. No, sir; I may have heard it, but I do not recall it.

Senator JONES. Did your clerk discuss any people who had interested themselves with reference to these licenses?

Mr. BAKER. No, sir; not to me.

Senator JONES. He did not call the board's attention to anybody who was interested in that?

Mr. BAKER. No, sir.

Senator JONES. If I ask about anything you have already gone over, let me know, Mr. Chairman.

Mr. BAKER. do you know anything of Congressmen or Senators interesting themselves for or against anybody applying for license?

Mr. BAKER. I do not.

Senator JONES. No letters were ever called to your attention from any Congressmen?

Mr. BAKER. No, sir.

Senator JONES. None have been placed on file?

Mr. BAKER. No, sir.

Senator JONES. None have spoken to you personally?

Mr. BAKER. No, sir.

Senator JONES. You have heard none of the members of the board mention any Congressman or Senator who was interested in the granting of any license?

Mr. BAKER. No, sir; I do not recall that any of them at all, sir, ever mentioned anything of the kind.

Senator JONES. So that if any reference has been made to any letters from Congressmen, that have been destroyed, you knew nothing about them?

Mr. BAKER. No, sir.

Senator JONES. They were not sent to your office?

Mr. BAKER. No, sir.

Senator JONES. And were not placed among the files of the commission?

Mr. BAKER. No, sir.

Senator JONES. Are you acquainted with the Thyson Hotel? I think it is up on Seventh Street.

Mr. BAKER. Nothing more than officially, sir; I have been there several times.

Senator JONES. That is close to a schoolhouse, is it not?

Mr. BAKER. Yes; I believe it is.

Senator JONES. That has a barroom license as a hotel, has it not?

Mr. BAKER. It has.

Senator JONES. Do you know what the situation there was before this license year began, as to the number of rooms in that hotel?

Mr. BAKER. I remember having gone through the hotel and counted the rooms.

Senator JONES. Was that before, or while the application was pending?

Mr. BAKER. Yes, sir.

Senator JONES. How many rooms did you find?

Mr. BAKER. Over 50. When we counted 50, then we stopped.

Senator JONES. Then you stopped?

Mr. BAKER. There may have been one or two over.

Senator JONES. There is a new part to that hotel, is there not?

Mr. BAKER. Yes.

Senator JONES. Showing that it has been recently constructed?

Mr. BAKER. Yes.

Senator JONES. Do you know whether or not that addition was constructed there after this law was passed?

Mr. BAKER. I could not say.

Senator JONES. Was not that brought out in a hearing?

Mr. BAKER. It may have been.

Senator JONES. Do you not know, as a matter of fact, that that addition was put on to that hotel after this law was passed, for the very purpose of bringing it within the permission of the law?

Mr. BAKER. It may have been.

Senator JONES. And if it had less than 50 rooms, then of course it would be shut out?

Mr. BAKER. Yes.

Senator JONES. Unless you gave it a restaurant license, which you would probably have done, would you not?

Mr. BAKER. No, sir.

Senator JONES. Why not?

Mr. BAKER. Because it would not be a hotel; it would have to be a hotel before it got that close to a schoolhouse.

Senator JONES. What is that?

Mr. BAKER. A hotel would be the only thing—a hotel or club.

Senator JONES. You know that that was the only reason that that addition was put on there, so as to permit it to be that close to a schoolhouse?

Mr. BAKER. I know that it was done, but I did not know that it was done for that reason.

Senator JONES. Do you think that saloon is a desirable thing there, close to that schoolhouse, whether that hotel has 50 rooms or a thousand rooms?

Mr. BAKER. Well, I would not like to say.

Senator JONES. It would be just as undesirable with 50 rooms as it would be with 45 rooms, would it not?

Mr. BAKER. I do not know but what it would.

Senator JONES. The intention of the law was to keep these saloons away from the schoolhouses, was it not?

Mr. BAKER. It seems to have been.

Senator JONES. You know that you had discretion, even if they had 50 rooms in that hotel, to refuse that license, do you not?

Mr. BAKER. Well, we would have to have reasons.

Senator JONES. Does not the law give you full discretion with reference to the granting of any license under it?

Mr. BAKER. It does if it is a disorderly house; or if we find that the proprietor is a disorderly or an undesirable person, we may refuse his license.

Senator JONES. Can you point to any section in the law that requires you to grant a license?

Mr. BAKER. No, sir.

Senator JONES. There is not any, is there?

Mr. BAKER. No, sir.

Senator JONES. And do you not know that that law was drawn that way in the hope that an excise board would take care of places like that and keep these places away from these schoolhouses, at any rate, and churches? Do you not think that is the reason the law was written that way?

Mr. BAKER. I did not think so; no, sir.

Senator JONES. You do not think so?

Mr. BAKER. I mean I did not think of it at that time.

Senator JONES. Well, before you had acted on these licenses you had not given this law very much consideration, had you?

Mr. BAKER. Yes, sir.

Senator JONES. As to what its intent was?

Mr. BAKER. Yes, sir.

Senator JONES. And as to the purpose that was sought to be attained by it?

Mr. BAKER. Yes.

Senator JONES. You had given it a good deal of study?

Mr. BAKER. Yes, I had.

Senator JONES. Had you come to a conclusion that it was desirable to have a hotel of 50 rooms with a barroom license within 400 feet of a public school?

Mr. BAKER. Well, I don't know as I did.

Senator JONES. At any rate, the fact that there was a new addition put on to that place there, that brought it up to the 50 rooms, and made it possible for you to grant the license, did not prevent you from taking that into consideration and refusing the license?

Mr. BAKER. No, sir.

Senator JONES. When you found that it had 50 rooms, it did not make any difference to you whether it was 400 feet or 200 feet from a schoolhouse, and you granted the license; is not that a fact?

Mr. BAKER. It seems to be a fact in that case.

Senator JONES. And if that building had been within 100 feet of a schoolhouse, you would have granted the license just the same, would you not?

Mr. BAKER. I suppose—

Senator JONES. If it had 50 rooms?

Mr. BAKER. I suppose so.

Senator JONES. In other words, you do not take into account the apparent desire of the law to keep these saloons away from the schoolhouses if it is possible to grant them a license under the terms of the law, do you?

Mr. BAKER. I do not know about that.

Senator JONES. The board has granted a saloon license everywhere it could, has it not?

Mr. BAKER. No, sir.

Senator JONES. Where did you ever refuse one that you could have granted?

Mr. BAKER. I just do not recall now; but I do not think we granted all that the place would admit of. That is what you had reference to?

Senator JONES. What do you say?

Senator THOMPSON. You mean up to the number of 300?

Senator JONES. Yes.

Mr. BAKER. Oh, yes; I guess we have.

The CHAIRMAN. Did you hear the evidence that was adduced before you as to the character of the conduct of the bar and the character of the manager of the Hotel Grand?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Do you not think it shows the management to have been disreputable and undesirable, and shows the manager to be a man of improper character? Do you not think it was sufficient to justify you in not licensing him again?

Mr. BAKER. I would not so regard it. I would not think so.

The CHAIRMAN. Was it not shown before you that that had been a place where men and women met to make assignations for immoral purposes?

Mr. BAKER. It was not.

The CHAIRMAN. That was not shown?

Mr. BAKER. No, sir.

The CHAIRMAN. Did not Lieut. Catts testify in that case that he had examined it and that he found it to be a disreputable place?

Mr. BAKER. I do not so recall it, sir.

The CHAIRMAN. Do you recall any testimony about Marks's place, as to the disreputable character of that place?

Mr. BAKER. No, sir; I do not.

The CHAIRMAN. Do you recall anything about the Tremont House, as to the disreputable character of that place, from which five men and women were taken out, having been found in a disgraceful situation together?

Mr. BAKER. I recall that.

The CHAIRMAN. You do recall that?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Why did you vote to give that man a license? Did not that show a disreputable character?

Mr. BAKER. That was not a violation of the liquor law.

The CHAIRMAN. I understand; but this law says that you can take into consideration the character of the manager. Has not that been called to your attention before?

Mr. BAKER. No, sir—oh, yes; I recognize that.

The CHAIRMAN. You remember Lieut. Sprinkle's report on the Grand Hotel?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Did not that report show it to be a disreputable place?

Mr. BAKER. I recall his testimony, but it always contradicted everything he said.

The CHAIRMAN. (Reading:)

Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is shown to be objectionable to said board.

Did not the testimony that you heard in the Tremont Hotel case show the manager to have an undesirable character? Would that character be objectionable to you?

Mr. BAKER. I do not recall that it was put in that form.

The CHAIRMAN. You mean that you do not recall that the law is in that form?

Mr. BAKER. No; the testimony.

The CHAIRMAN. You said you recalled the testimony that five men and women were taken out of there, having been found in disgraceful situations. Does not that show that the place was disreputable and that the man's character was improper?

(The witness did not answer.)

The CHAIRMAN. Would you not say so?

Mr. BAKER. I do not know; I guess I would.

Senator JONES. Do you think that is a proper way to carry on a place of that kind?

Mr. BAKER. No; I did not say that; no, sir.

Senator THOMPSON. Did you visit the Philadelphia House?

Mr. BAKER. No, sir.

Senator THOMPSON. You did not?

Mr. BAKER. I went there officially; not with the gentlemen that made that night visit.

Senator THOMPSON. Oh, you were not there at that time?

Mr. BAKER. No, sir.

The CHAIRMAN. Did you not hear the testimony of Lieut. Catts and Mr. Howes regarding the Philadelphia House?

Mr. BAKER. I do not recall it now.

The CHAIRMAN. Do you not recall it?

Mr. BAKER. I do not recall it exact. I recall their appearing there, but I do not recall their testimony.

The CHAIRMAN. Do you not recall that it was a place that was notorious as a resort for colored prostitutes, and that they had arrested many men and women in other parts of the city for immoral practices who told them that they had come directly from the Philadelphia House? Do you not recall that?

Mr. BAKER. I do not recall it.

Senator JONES. As I understand, under your rules you permit the saloons to open their doors a quarter of an hour before 7 in the morning, and also to have them open two hours on Sunday?

Mr. BAKER. We do not permit them to open their doors. We permit them to go in and arrange things 15 minutes before.

Senator JONES. But you do not permit the doors to be opened?

Mr. BAKER. No, sir.

Senator JONES. You do permit them to be in the saloon two hours on Sunday, but not have the doors open?

Mr. BAKER. For cleaning purposes and sanitary conditions only.

Senator JONES. How can they clean out their building thoroughly without opening the doors?

Mr. BAKER. They are not allowed to open the doors.

Senator JONES. Under what provision of the law do you permit them to go in their building on Sunday?

Mr. BAKER. Only for that purpose.

Senator JONES. Under what provision of the law do you permit them to go in there for any purpose on Sunday?

Mr. BAKER. It is not to dispense or to use in any shape or form. They are instructed in that particular.

Senator JONES. Is there anything in the law that authorizes you to make any regulation about that?

Mr. BAKER. There is nothing against it that I can find.

Senator JONES. Is there anything in the law that requires you to give them permission to go into the place on Sunday?

Mr. BAKER. No.

Senator JONES. They can go in there and be in there all day if they keep it closed and do not dispense anything, can they not?

Mr. BAKER. No, sir.

Senator JONES. Why not?

Mr. BAKER. Because the hours they are to be in there are stated. Policemen are notified of the hours.

Senator JONES. But the law does not say that they can not be in their places, does it?

Mr. BAKER. I do not know as it does.

Senator JONES. Then you can not prevent them from being in there, can you?

Mr. BAKER. Nothing more than that.

Senator JONES. I would like to know why you issued those rules.

Mr. BAKER. They were for sanitary purposes, more particularly.

Senator JONES. Why could they not clean up after 7 o'clock and get ready to start for the rest of the day?

Mr. BAKER. I suppose they could.

Senator JONES. They would have plenty of time to get about everything coming along during that time, would they not?

Mr. BAKER. I think so.

Senator JONES. What led you to grant that rule, then, to let them go in there before 7 o'clock?

Mr. BAKER. I do not just recall what led us to do that.

Senator JONES. Who asked you to do that?

Mr. BAKER. I do not recall that.

Senator JONES. You do not remember anything about it?

Mr. BAKER. No.

The CHAIRMAN. What efforts have you made, if any, Mr. Baker, to find whether the saloon keepers were really not doing any business during these two hours that you allowed them to enter their places on Sunday? Have you made any personal inspections of any of these places on Sunday?

Mr. BAKER. I do not go out on personal inspections, but when I am out on Sundays I pay attention to it myself.

The CHAIRMAN. How many have you really inspected along that line?

Mr. BAKER. I really do not know; I could not say. Only those which would come in my way during my walks.

The CHAIRMAN. As many as 50?

Mr. BAKER. I would not say as many as 50.

The CHAIRMAN. Have you gone into any of them on Sunday?

Mr. BAKER. Have I?

The CHAIRMAN. Yes.

Mr. BAKER. No, sir.

The CHAIRMAN. Then you could not say that you have made an inspection, could you?

Mr. BAKER. I mean the screens are supposed to be open and you can see in. That is what I had reference to—see from the outside; a view from the outside only.

The CHAIRMAN. You have an inspector, have you not?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Mr. Waldo Hibbs?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Whom you keep in your office as a stenographer?

Mr. BAKER. At times; yes, sir.

The CHAIRMAN. He testified that he had done nothing but stenographic work since November 1, and that you had not directed him to make any investigation in that time.

Mr. BAKER. I do not recall that we have.

The CHAIRMAN. The law gives him police powers in connection with investigations?

Mr. BAKER. Yes.

The CHAIRMAN. Has the board itself made any inspections since November 1, for the purpose of seeing whether the barrooms are conducted in an orderly manner?

Mr. BAKER. I can not recall that they have; not officially.

The CHAIRMAN. Do you not think that inspections from time to time are contemplated by the law—official inspections?

Mr. BAKER. Yes.

The CHAIRMAN. Through your inspector?

Mr. BAKER. Yes.

The CHAIRMAN. Why have you not given him some orders and rules to go by?

Mr. BAKER. Just at this time he has been very busy in the office, and all the force has been quite busy; and with the Christmas holidays coming in and all that, I suppose we have not been able to get at it.

The CHAIRMAN. It would seem that Christmas, of all times, would be the time when these places ought to be watched most vigilantly, when people are out for a good time.

Mr. BAKER. Yes.

Senator JONES. Has the board taken up for consideration the matter of issuing orders and instructions and rules to the inspector?

Mr. BAKER. Stating the rules, do you mean?

Senator JONES. Yes.

Mr. BAKER. No; I do not know as it has.

Senator JONES. As to inspections; that is what I mean. I mean since the 1st of November.

Mr. BAKER. No.

Senator JONES. Do you understand that under the law the real duty of this inspector is to see that the saloons are carried on according to law; that that is what he is for?

Mr. BAKER. I did not understand he was just for that only.

Senator JONES. Do you not understand that that is the principal thing? The law says there shall be a clerk at \$1,500, and the law says that there shall also be an inspector at \$1,500, who shall have police power and who shall inspect under the orders of the board.

Mr. BAKER. Yes, sir.

The CHAIRMAN. I will read it.

PAR. 3. That the said board shall appoint a clerk at a salary of \$1,500 per annum and an inspector with police powers at a salary of \$1,500 per annum. Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge

indicating that he is such inspector of the excise board. The board shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

Senator JONES. Do you not think the purpose of that is that it shall be this man's duty to see from time to time that the saloons are obeying the law?

Mr. BAKER. Under orders of the board?

Senator JONES. Why, certainly. The board is not going to give him any orders about that—

Mr. BAKER. Oh, yes; it would.

Senator JONES. When?

Mr. BAKER. I do not just know about that.

The CHAIRMAN. The law says that said inspector shall make inspections as he shall be required by this section, under the orders of the board. That makes it mandatory on both him and the board that these inspections be made; and the spirit of the law is that they shall be made frequently.

Senator JONES. And that he should go around at unusual times, so as to find any violations that may be taking place. Do you not understand that that provision was put in there for the purpose of enabling the board to see that the law is complied with? The very word "inspector" implies that. Is not that true?

Mr. BAKER. Yes, sir.

Senator JONES. The board never has considered the matter of preparing orders under which the inspector shall act?

Mr. BAKER. No; it has no specific orders.

Senator JONES. Why did you not select a clerk who was a stenographer?

Mr. BAKER. I do not know why.

Senator JONES. You knew you were going to have a good deal of stenographic work, and that was largely clerical. That is supposed to be clerical work, is it not?

Mr. BAKER. I do not know—

Senator JONES. That does not come under the head of inspection, does it?

Mr. BAKER. No; not entirely.

Senator JONES. And it would not be implied as a part of the duties of the inspector to act as a stenographer, would it?

Mr. BAKER. He is there under the orders of the board, whatever they may be.

Senator JONES. Do you think that taking testimony in regard to these licenses is inspecting?

Mr. BAKER. No.

Senator JONES. Did the board think that?

Mr. BAKER. No; they did not think that was inspection.

Senator JONES. When did you expect this inspector to do any inspecting work?

Mr. BAKER. I expect him to do quite a good deal of it from now on to the busy season again.

Senator JONES. And then you expect him to do stenographic work again?

Mr. BAKER. Yes.

Senator JONES. Do you not think that you had better let him act as an inspector and have a clerk who can do this stenographic work?

Do you not think you would come more nearly to a compliance with the intent of the law if you should do that?

Mr. BAKER. I do not know as we would.

Senator JONES. You think that the law intends this inspector to inspect only when he is directed by the board, and that the board is under no obligation to give any such directions unless they want to?

Mr. BAKER. No; I do not think that way, entirely. He is always an inspector. He is not an inspector under our orders. If he sees anything in violation of law he surely would report it. That is what we expect.

Senator JONES. But you do not give him any opportunity to go out and inspect. You keep him at work in the office. Is not that true?

Mr. BAKER. He has been there during the hours from 9 to 4.30, of course.

Senator JONES. Those are regular office hours, are they not?

Mr. BAKER. Yes, sir.

Senator JONES. You have not given him any orders about inspecting work afterwards, have you?

Mr. BAKER. No—we have given him some; yes.

Senator JONES. What orders have you given him?

Mr. BAKER. We have sent him out on inspections.

Senator JONES. But that was to examine this particular matter with reference to these applications for licenses?

Mr. BAKER. No, sir.

Senator JONES. Was it to see whether the law had been violated or not? Was that last year, before the 1st of November?

Mr. BAKER. Yes, sir.

Senator JONES. Nothing has been done since that?

Mr. BAKER. No.

The CHAIRMAN. I will state that he testified that he visited 130 places last year, about May and June and July, when there were some 500 saloons, I believe, in the District.

Mr. BAKER. Yes, sir; there were over 500.

Senator THOMPSON. There is one class of people who are absolutely excluded by the law from these places where liquor is sold; that is, minors?

Mr. BAKER. Yes, sir.

Senator THOMPSON. There could not be any mistake about the construction of the language, "that no minor under the age of 18 years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel, restaurant, or club"? Have you not by your rules extended that to grocery stores and other places selling liquor with other things, and permitted the building of a little two by four railing around that part, and permitted the minors to go in there, within that railing—or without the railing?

Mr. BAKER. They stay without the railing.

Senator THOMPSON. Do you permit them to go into these places?

Mr. BAKER. Yes, sir.

Senator THOMPSON. Just so they stay without that little railing. Do you not think that that is an evasion of the direct prohibition of this law with respect to minors, if liquor is sold there? The law says any place where it is sold, you know. Has your attention ever been called to that before?

Mr. BAKER. I do not know as it has; no, sir.

Senator THOMPSON. You do know that they have these little railings around, in wholesale houses where they handle other things?

Mr. BAKER. I do.

Senator THOMPSON. And that a child of any age is permitted to go there and buy peanuts or candy?

Mr. BAKER. I do.

Senator THOMPSON. And that there may be adults on the other side of the railing buying whisky or any other intoxicating liquor?

Mr. BAKER. That is true.

Senator THOMPSON. Do you not think that the very objects of the law have been nullified, then, with reference to prohibiting minors from seeing transactions or knowing of transactions of that kind?

Mr. BAKER. No; I do not so regard it.

Senator THOMPSON. There is also a direct provision of the law that there shall be but one entrance to a place where intoxicating liquors are sold. I will give the exact language:

Nor provide or permit to be used more than one entrance to said bar room from the street, which entrance shall be the one mentioned in his application for license, unless the excise board shall especially permit an extra entrance.

Those applications for extra entrances are common, are they not?

Mr. BAKER. Not very common.

Senator THOMPSON. Your report shows that there were 39 requests during the fiscal year ending June 30, 1914. Do you remember that?

Mr. BAKER. That is, last year?

Senator THOMPSON. Yes; 1914, it says here. Do you remember how many were refused out of those 39?

Mr. BAKER. I can not recall.

The CHAIRMAN. One, I think.

Senator THOMPSON. During the fiscal year ending June 30, 1914, 39 requests for permission to maintain such extra entrances were presented to the board, of which 38 were granted and 1 was refused. Is that correct?

Mr. BAKER. Yes, sir.

Senator THOMPSON. It is rather a formal matter to apply for an extra entrance and get it by the board? What is the procedure?

Mr. BAKER. What do you mean?

Senator THOMPSON. To get an extra entrance.

Mr. BAKER. They apply for permission, and we go and inspect them and see whether it is permissible and proper for us to grant it, and report.

Senator THOMPSON. Whether it is permissible. Supposing that Mr. Miller should apply to have an extra entrance on E Street. What would your idea be about granting an entrance there?

Mr. BAKER. He would not get it.

Senator THOMPSON. Why not?

Mr. BAKER. We would not grant an extra entrance where we would not issue a license.

Senator THOMPSON. And you would not issue a license because it would make an extra saloon on that street?

Mr. BAKER. Yes, sir.

Senator THOMPSON. And it is still there?

Mr. BAKER. It is so considered.

The CHAIRMAN. If you did give him an extra entrance at the same place of business, it would make another saloon on E Street?

Mr. BAKER. Not an extra entrance, Senator. The application for a license is on Fourteenth Street.

The CHAIRMAN. I say, if now he were to apply for an extra entrance on Fourteenth Street at his present place of business, and you were to give it to him, it would make four saloons on that street?

Mr. BAKER. On Fourteenth Street?

The CHAIRMAN. On E Street. I mean if he were now to apply for an extra entrance on E Street, and you were to give it to him at the same place of business, it would make four saloons on E Street?

Mr. BAKER. If we should give it to him it would.

The CHAIRMAN. How can an entrance create a saloon?

Mr. BAKER. It does not create a saloon.

Senator JONES. That would be the reason why you would deny him an extra entrance, because it would make four saloons on E Street?

Mr. BAKER. I have just stated we would not grant an extra entrance where we could not license a saloon.

Senator JONES. You have licensed that saloon?

Mr. BAKER. On Fourteenth Street.

Senator JONES. But the body of the saloon is the same.

Mr. BAKER. Fourteenth Street is where we licensed that, sir.

Senator THOMPSON. You have 300 saloons, as I understand it. That does not necessarily mean just 300 places where liquor is sold under a license, does it?

Mr. BAKER. How is that?

Senator THOMPSON. I say you have issued 300 saloon licenses—I think that is what you call them——

Mr. BAKER. Barroom licenses.

Senator THOMPSON. That does not necessarily mean only 300 places where intoxicating liquor is sold, does it?

Mr. BAKER. I just do not catch your question.

The CHAIRMAN. He asks whether there are any other places in the city where intoxicating liquors are sold besides these licensed places?

Mr. BAKER. Do I understand you to say that——

The CHAIRMAN. He asks that. Do you know of any other places where intoxicating liquors are sold besides these you have licensed?

Mr. BAKER. I do not.

Senator THOMPSON. Some of these licenses you call restaurant licenses are double-barreled concerns; they can have a bar, and serve in another room in the way of a restaurant; is that right?

Mr. BAKER. The restaurant privilege carries that.

Senator THOMPSON. I mean they are just the same, only for table arrangements——

Mr. BAKER. It is served from the licensed place; the way I understand it. We do not license the other place at all. It is only served from the licensed place.

Senator THOMPSON. Of course it is bought and paid for just the same as at any other place, except that they do not stand up to the bar; is not that right? What I am trying to get at is that there are really more than 300 places where they are buying and selling intoxicating liquors.

Mr. BAKER. Not to my knowledge.

Senator THOMPSON. Take, for instance, the Grand Hotel. There is a restaurant there, and then they have some kind of an entertainment, with dancing going on downstairs all the time. They sell it down there, do they not?

Mr. BAKER. They serve it there from the bar, as I understand it. I have never been there.

Senator THOMPSON. But the man or the woman does not go up to the bar to pay the bill?

Mr. BAKER. No, sir.

Senator THOMPSON. They buy it and sell it right there?

Mr. BAKER. Yes, sir.

Senator THOMPSON. So it is at Geyer's. They have a bar, and then in addition to that they have a large restaurant upstairs and downstairs, and they buy and sell liquor in those places just the same as in the saloon, under a restaurant license?

Mr. BAKER. Yes, sir.

Senator THOMPSON. That is true in many, many places; is it not?

Mr. BAKER. I suppose so.

Senator THOMPSON. So that there are a large number of places where intoxicating liquors are sold other than these 300 licensed places?

(The witness did not answer.)

Senator JONES. Mr. Baker, I understand that you have not been asked about the granting of barroom licenses in the residence districts, and places where less than 50 per cent of the frontage is occupied by business houses. I understand that the board has held that that provision of the law does not apply to hotels and clubs in those sections?

Mr. BAKER. That is correct.

Senator JONES. What authority has the board for holding anything of that kind in the law? The law says that no barroom license shall be granted in those places. Why did you put in a provision excepting clubs and hotels, when such a rule is not in the law?

Mr. BAKER. May I read from this [exhibiting a paper]?

Senator JONES. You may read from it, yes; but I should think you ought to be able to give your reason without reading from something.

Mr. BAKER. We put it in thinking we were giving the expression of Congress.

Senator JONES. Why did you put it in?

Mr. BAKER. I do not know just why we put it in, except——

Senator JONES. You may read what you have there.

Mr. BAKER (reading):

The portion of the excise law which, upon a casual reading by itself, would seem to exclude the granting of barroom licenses to hotels and clubs in the residence portion of the District of Columbia reads as follows:

Senator JONES. What are you reading from?

Mr. BAKER. Minutes. [Continuing reading:]

PAR. 2, SUB. SEC. 7. Hereafter no license shall be granted for the establishment or maintenance of a barroom or other place for the sale intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any residential portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for license whether the location where the barroom is

to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is hereby authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section; provided, that no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than 50 per cent of the foot frontage, not including saloons or hotels and clubs having barroom licenses under this section, is used for business purposes; nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided.

In the absence of specific words permitting the licensing of hotels and clubs outside of the business districts, the board believes it is clearly shown that Congress intended to make a distinction between a barroom as such and a barroom license held by hotels and clubs as is evident from the language just quoted.

(The paper referred to will be found printed in full appended to the statement of the excise board.)

Senator JONES. Mr. Baker, what is there in that language that makes it evident that it was the intention of Congress to exclude hotels and clubs?

Mr. BAKER. It is just as we gather it.

Senator JONES. You say it is plain there. What is it that makes it plain?

Mr. BAKER. If you will just let me read the rest of this, it might explain it.

Senator JONES. Who is the gentleman behind you handing you these papers and prompting you with reference to these matters? Who is he?

Mr. BAKER. He is our clerk.

Senator JONES. Oh, he is the clerk to the board?

Mr. BAKER. Yes, sir.

Senator JONES. I wish, Mr. Baker, you would point out something in that provision that you have right there that shows it was the intention of Congress to except hotels and clubs from that prohibition.

Mr. BAKER. I do not know that I can.

Senator JONES. Who prepared that memorandum?

Mr. BAKER. It was prepared by us.

Senator JONES. Did you prepare it?

Mr. BAKER. No.

Senator JONES. Who did?

Mr. BAKER. I think the chairman did.

Senator JONES. The chairman prepared it?

Mr. BAKER. Yes, sir.

The CHAIRMAN. And it expressed your views?

Mr. BAKER. Yes.

Senator JONES. Can you give me any reasons for, or anything in that law that indicates, the conclusion that you have reached, or supports it?

Mr. BAKER. I do not know as I can.

Senator JONES. You can not point out anything in that law that warrants the idea that Congress intended to leave out clubs and hotels?

Mr. BAKER. I do not know that I can.

Senator JONES. Do you understand that it is your duty to execute this law as it is and not to supplement it by acts of your own?

Mr. BAKER. We were to promulgate rules and regulations to aid—

Senator JONES. Oh, yes; but you were to carry out this law. You were not to make law, were you?

Mr. BAKER. No, sir.

Senator JONES. You have done it there, have you not?

Mr. BAKER. It might appear that way.

Senator JONES. You say it was evidently the intention of Congress to exclude them, but you did not do it, so you are going to do it by the rule. Is not that the result of that action?

Mr. BAKER. I do not know but what it might appear that way.

Senator JONES. You say it looks as if Congress might prohibit this, but you did not think that was the intent. So you have tried to supply what you think Congress omitted, by your rule?

Mr. BAKER. Not necessarily.

Senator JONES. Why is it that the board has not carried out this law as it is written, instead of trying to make it what they thought it ought to be? Why have you not done it?

Mr. BAKER. We thought we were doing it.

Senator JONES. You thought you were carrying it out the way Congress intended it to be?

Mr. BAKER. Yes.

Senator JONES. But not the way it is written. Is not that true? (The witness did not answer.)

Senator JONES. You have granted barroom licenses in places where less than 50 per cent of the frontage was business, have you not?

Mr. BAKER. No, sir.

Senator JONES. Do you know where the Cairo Hotel is?

Mr. BAKER. Yes, sir.

Senator JONES. Do you know whether there is any business on that side of the street except the drug store on the corner?

Mr. BAKER. We have said, except hotels—

Senator JONES. I was not asking you about hotels, particularly. I was asking you if you had not granted barroom licenses where less than 50 per cent of the foot frontage was occupied by business houses. You have done that in a number of cases, have you not?

Mr. BAKER. Hotels and clubs.

Senator JONES. But the law does not except them.

Mr. BAKER. I do not know that it does.

The CHAIRMAN. Do you know of any breweries located in residence districts?

Mr. BAKER. I can not recall one.

The CHAIRMAN. Could you furnish the committee with a list of the liquor properties owned by local breweries?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Do your records show who owns these various liquor houses?

Mr. BAKER. It was brought out in the application. They have to state in the application who owns the property in which the saloon is to be.

The CHAIRMAN. Do the breweries own any of these saloons?

Mr. BAKER. Yes.

The CHAIRMAN. How many?

Mr. BAKER. I could not tell you.

The CHAIRMAN. Gen. Smith, have you any recollection along that line?

Mr. SMITH. I have not, sir.

The CHAIRMAN. How many, approximately?

Mr. SMITH. I do not know; but it is a very easy matter to get up the data.

The CHAIRMAN. Will you furnish us a list of them?

Mr. SMITH. It will be here to-morrow morning for you.

The CHAIRMAN. Now, Mr. Baker, any further statement you would like to make we shall be glad to have.

Senator THOMPSON. I want to ask you about Loftus's place, at the corner of D and Thirteen-and-a-half Street. Do you know where that is?

Mr. BAKER. Yes, sir.

Senator THOMPSON. Do you remember an opening on what is known as a residence street there on D Street? The opening of that saloon was originally from the residence section, was it not—the residence side of the block—before this law went into effect?

Mr. BAKER. I do not know anything about that.

Senator THOMPSON. Do you remember his applying for an additional opening or a transfer on Thirteen-and-a-half Street, just around the corner?

Mr. BAKER. Yes.

The CHAIRMAN. To transfer his entrance from the D Street side to the Thirteen-and-a-half Street side?

Mr. BAKER. Yes; I recall that.

Senator THOMPSON. As a matter of fact, do you not know that both entrances have been used since this law went into effect, and are being used, one from the residence side and one from the other side?

Mr. BAKER. No, sir.

Senator THOMPSON. You have never been there to see?

Mr. BAKER. I passed by there and found it closed.

Senator THOMPSON. Very recently?

Mr. BAKER. Within the last month, or such a matter.

Senator THOMPSON. A while ago I asked you relative to the Mergner place, and you stated that it was not called to your attention that a fence was built there for the purpose of making the distance farther away from the public school. Did you not so state?

Mr. BAKER. I may have said so.

Senator THOMPSON. In the hearings here held in August—No. 89. I do not know whether that has anything to do with it or not. Is that the number of the application?

Mr. BAKER. What is the name?

Senator THOMPSON. John E. Mergner, 89, 415 East Capitol Street. Mr. Sheehy asked this question:

And the main purpose was to extend the distance from the schoolhouse to the entrance to your place?

The applicant stated that that was one of them.

Mr. BAKER. Yes.

Senator THOMPSON. Do you not remember that he admitted that was one of the purposes, so as to get it away from the schoolhouse without moving the building?

Mr. BAKER. I do not remember. I do not recall that at all.

The CHAIRMAN. We would like to have the files in the Loftus case, also.

Mr. SMITH. At Thirteen-and-a-half Street?

The CHAIRMAN. Yes, sir.

Mr. SMITH. I will bring them.

Senator JONES. Do you know Mr. Hurdle, or his saloon that he used to run on Pennsylvania Avenue?

Mr. BAKER. Yes, sir.

Senator JONES. As I understand it, he was granted a transfer from 329 Pennsylvania Avenue to 345 Pennsylvania Avenue, and then was refused a license?

Mr. BAKER. Yes, sir.

Senator JONES. Do you know whether or not any complaints were ever made with reference to the conduct of his saloon?

Mr. BAKER. I do not recall.

Senator JONES. None of the police reports were against him, were they?

Mr. BAKER. I do not recall, sir, that they were.

Senator JONES. He had been there, or at 329, for about 20 years; is not that correct?

Mr. BAKER. Yes, sir.

Senator JONES. He is just across, or on the opposite side of the street, from the Philadelphia House, is he not?

Mr. BAKER. I just do not remember; but I think he is in the same square, possibly.

Senator JONES. Across the street?

Mr. BAKER. Yes; but he is on the opposite side.

Senator JONES. Can you tell why the board granted a saloon license, to the Philadelphia House but refused Mr. Hurdle?

Mr. BAKER. I do not know as I can.

Senator JONES. There had been complaints, and there were complaints and protests against the Philadelphia House, were there not?

Mr. BAKER. I think there were.

Senator JONES. And there were no protests made to the board against Mr. Hurdle's application, were there?

Mr. BAKER. I do not recall.

Senator JONES. But the Philadelphia House was granted a license and Mr. Hurdle was refused a license.

Mr. BAKER. So it seems.

Senator JONES. Was it not also called to your attention that he had transferred from 329 to 345, and had gone to an expense of about \$1,000 in fitting up his place and putting in sanitary arrangements, and all that sort of thing? Was not that called to the attention of the board?

Mr. BAKER. I do not recall that.

Senator JONES. But that will appear in the hearings, if there was anything of the kind?

Mr. BAKER. Yes, sir.

Senator JONES. And that the Philadelphia House license was granted and the sanitary arrangements had to be made after the granting of the license? Is not that correct?

Mr. BAKER. Possibly so.

Senator JONES. But you do not know—you can not tell now—why the one was granted and the other refused?

Mr. BAKER. I can not.

Senator JONES. Mr. Chairman, I want to put this letter in the record. It is from Mrs. Hurdle.

(The letter referred to by Senator Jones is as follows:)

WASHINGTON, D. C.,
January 18, 1915.

Hon. Senator JONES.

KIND SIR: In reading Sunday's paper I see where you claim that the excise board had not carried out the Jones-Works bill according to law. I as one of the saloonkeepers' wives who was refused a license after transferring my husband from 329 Pennsylvania Avenue NW. to 345 Pennsylvania Avenue NW., being 20 years on the one square in saloon business and not a black mark against his reputation or business. We put in all sanitary improvements as the excise board said was required before they could grant the transfer cost us \$1,000. When the excise board were going around visiting the saloons to report on this year's license General Smith examined our place and remarked to my husband, clemenenes is Godness; having nothing against us we thought we would be all right. My husband was the only one that was granted a transfer that was refused a license.

They made my husband put in sanatory improvements before granting our transfer. Now I wish to say not very far away from us they granted a license and the place had no sanatory improvements but they allowed the improvements to be made after the granting of the license. Now is that justice? If they had of transferred us without making us spend \$1,000 it would look more like justice to the excise board. We kept strickly a gentleman's house for white only. We never catered for any rough element. Our police officers have never had any occasion to come in our place of business through any trouble and we always lived up to the rules of the excise laws.

I myself called on Mr. Baker in person at his home and stated my circumstances to him—asked to do something for me. He said he was very sorry but they didn't want any saloons on the north side of the Avenue. He said we have nothing against Mr. Hurdle but the north side must be closed.

Pennsylvania Avenue was not a prohibited zone, and there was nothing in the Jones-Works bill to keep respectable places from license.

I think like you, they have overstepped their othority, and I wish to thank you for the steps you are taken to justice. Mr. Shoemaker, attorney for the Anti-saloon League althou against liquor could say nothing against my husband. Had Mr. Shoemaker his say at the hearing of the saloonkeepers' license things would be altogether different. I have said nothing in my letter that I would not answer in public.

MRS. CHAS. HURDLE,
345 Pennsylvania Avenue NW., Washington, D.C.

Senator JONES. Have we evidence in the record as to these two cases? I suppose you have it in the Philadelphia House case?

Mr. BAKER. Yes, sir.

Senator JONES. I want the Hurdle application record also.

Mr. SMITH. Very well.

The CHAIRMAN. Mr. Baker, we should be glad to have any further remarks that you care to make.

Senator JONES. If Mr. Baker has nothing further, I want to present here a letter from Mr. E. F. La Porte, of the National Water Co., of Baltimore, Md., in reference to the Marks House, and have it go into the record.

(The chairman read the letter referred to, which is as follows:)

NATIONAL WATER CO.,
Baltimore, February 20, 1915.

Senator JONES,

Member of Investigating Committee of Excise Board,
United States Capital, Washington, D. C.

DEAR SIR: I desire to call your attention to a place in your city at Tenth and E conducted by a man named Marks. That the place is disreputable there is no question, and many business men in Washington are at a loss to understand why or how

he could obtain a license to do business. This same man was closed up here for conducting a joint of like character.

Thursday night I went into this place with a business man who was endeavoring to collect a bill which had been due for 11 months. We were invited to sit at a table with two women, one of whom was smoking a cigar and reciting the most filthy stories. When the party I accompanied into the place asked for a check without the slightest provocation we were assaulted.

Men and places of such character are a drawback to respectable cafés who comply with the law and are conducting a legitimate business.

An investigation will prove to you that what I tell you are facts and if you desire to investigate my standing and integrity you can do so through the Masonic, Elks, Moose and Eagle fraternities of which I am a member.

Yours very truly,

E. F. LA PORTE.

Every first-class café man in Washington can tell you who I am.

Senator JONES. Have you anything to say with reference to any statements in that letter?

Mr. BAKER. I have not, sir.

The CHAIRMAN. Mrs. Hurdle is a white lady, is she not?

Mr. BAKER. Oh, yes.

The CHAIRMAN. And the man who owns the Philadelphia Hotel is a colored man?

Mr. BAKER. Yes, sir.

Senator THOMPSON. I understood you to say that you are familiar with and had examined, before issuing the license, the premises at Mr. Marks's saloon, No. 89 in these cases?

Mr. BAKER. Only in the measurement—I was there and visited it and measured it. I was there officially to measure it.

Senator THOMPSON. You were there to measure it, and you saw the situation there relative to the schoolhouse?

Mr. BAKER. Yes.

Senator THOMPSON. That was a building used exclusively for school purposes, was it not? There is no question about that, is there?

Mr. BAKER. I do not think so.

Senator THOMPSON. That is a real public school?

Mr. BAKER. Yes, sir.

Senator THOMPSON. With "a steeple and a bell." I find in these files a little plat, or what purports to be a plat, showing the situation at that place, and I will ask you to examine it and see if that does not represent it fairly, as you remember it?

Mr. Baker (after examining plat referred to). Yes.

Senator THOMPSON. That was called to your attention before the issuance of the license?

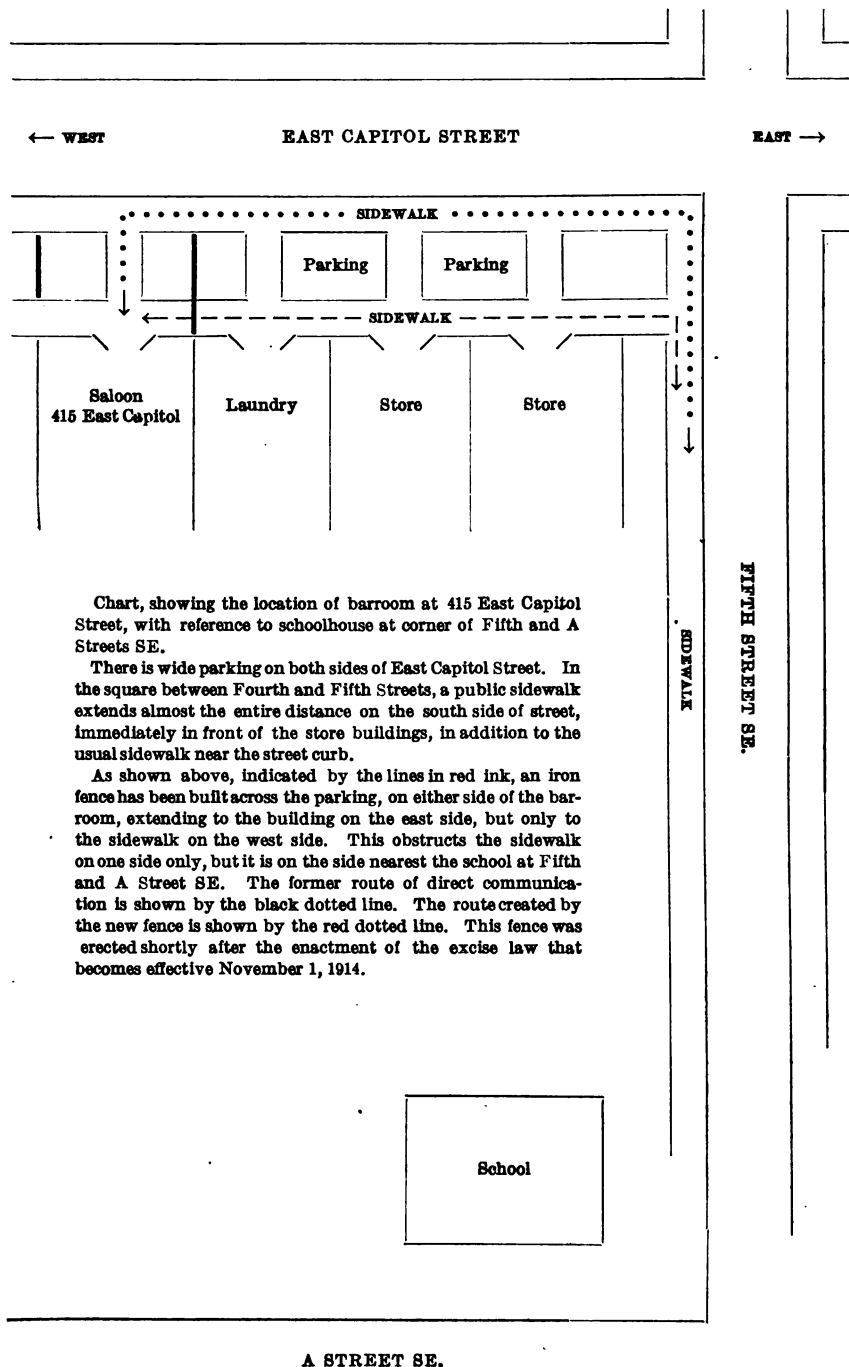
Mr. BAKER. It may have been, sir.

Senator THOMPSON. It is a part of the files in the case?

Mr. BAKER. Yes; it is a part of the files.

Senator THOMPSON. I would like to have this made a part of the record.

(The plat referred to is as follows:)



TESTIMONY OF THOMAS RUPPERT.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your address here in the District of Columbia?

Mr. RUPPERT. 1825 Hamline Street NE.

The CHAIRMAN. You had a saloon in a certain part of the District of Columbia last year?

Mr. RUPPERT. Yes, sir—145 B Street SE.

The CHAIRMAN. Did one of the commissioners live in that same block?

Mr. RUPPERT. Yes, sir; Mr. Bride.

The CHAIRMAN. Was yours the only saloon in that block?

Mr. RUPPERT. Yes, sir.

The CHAIRMAN. Were any protests ever made against the manner in which you conducted your business?

Mr. RUPPERT. None whatever.

The CHAIRMAN. Did you at any time ask the excise board to examine your place to see if you were complying with the law?

Mr. RUPPERT. I did, last spring. Last spring when Mr. Sheehy was chairman of the committee I heard he was going to resign and Mr. Bride was going to take his job. Of course I got shaky, then, and I went down and told the excise board to come up and look at the place, to see if there was anything like schools or churches there. If there were, I wanted to know, and would get a transfer and move.

They came up there and measured me as close as they could. They measured me an air line. I said, "How do you make it?" Sheehy said, "Ruppert, you are 5 feet short." I said, "How is that? We have got over 450." He said, "Right straight down the middle of the street." I said, "I thought you couldn't walk like that."

The CHAIRMAN. Who had given you the 450-foot measurement?

Mr. RUPPERT. The captain had given us 447.

The CHAIRMAN. The police captain?

Mr. RUPPERT. Yes. We had been measured several times.

The CHAIRMAN. When you had made application before, when you first wanted to do business?

Mr. RUPPERT. Oh, we had this place for seven years.

The CHAIRMAN. Go ahead. Why had the captain measured you before that?

Mr. RUPPERT. It wasn't time for it yet. He did not measure until you put up the money for your license. Then the captain measures. That was early in the spring. Just when Sheehy was ready to resign—that was around in March, I should think, or April, or around there—he came out and measured it as close as he could, and he came back and said, "You are 5 feet short—395 feet to that church down there." "You did not measure right," I said. He measured right in the middle of the street, and you can't walk like that, and he measured against the traffic regulations. I told him, "You didn't measure it right." He said, "We will measure any way we want; any way we feel like." I said, "I had better move, then." He says, "No; you have got that side entrance. Shut your main entrance

up and use the side entrance. You have got 7 feet across from there."

The CHAIRMAN. Were the other commissioners present?

Mr. RUPPERT. Yes; Baker and Mr. Smith was with them. The next day I got permission to shut the front door up and use the side door. We thought we were all right. Also, I had to put plate glass in and tile flooring and new plumbing, and it cost me \$500. We even put that in.

The CHAIRMAN. Did they require you to put in the new plumbing?

Mr. RUPPERT. Yes, sir; they had me arrested; down in the police court, if I did not put it in. I do not think the commissioners did that. I think the plumbing inspector did that. That was none of their business. Of course, we fixed all that and was looking for getting the license then, but when the licenses came around I did not get any. They came around and inspected me, and he said, "You are still short"—after we had moved the door. He said, "You are still too close to that church."

The CHAIRMAN. When was this measurement made which gave you 450 feet?

Mr. RUPPERT. That was made right shortly after we put the money up. The captain gave us that.

The CHAIRMAN. After you employed a lawyer? After you put what money up?

Mr. RUPPERT. No, no; before.

The CHAIRMAN. After you put what money up?

Mr. RUPPERT. The money for the license, the \$1,500. As soon as you put the money up and report as to the reason you are in, they measure you up.

The CHAIRMAN. Do you remember the date of that measurement?

Mr. RUPPERT. It was in August; it was about the 15th of August. It might have been a little before or a little after, but around the middle of August.

The CHAIRMAN. That measurement was by right angles, and it gave you 450 feet?

Mr. RUPPERT. 447 feet. That is what the captain gave us.

The CHAIRMAN. What captain was that?

Mr. RUPPERT. Capt. Mulhall, Fifth Precinct, southeast.

Senator DILLINGHAM. Was your license refused?

Mr. RUPPERT. Oh, yes; turned down.

The CHAIRMAN. Your license was refused in November?

Mr. RUPPERT. Yes, sir; the new license was turned down.

The CHAIRMAN. Was anybody close to you relicensed?

Mr. RUPPERT. No; I was the only one in the block.

The CHAIRMAN. Who represented you in your effort to get a license?

Mr. RUPPERT. Alexander Bell.

The CHAIRMAN. I mean, to have your license renewed.

Mr. RUPPERT. Oh! Alexander Bell represented me.

The CHAIRMAN. What did you pay him?

Mr. RUPPERT. \$100 originally, and if I got it he was going to get \$250 more, but he did not succeed, so he did not get any more.

The CHAIRMAN. When this police captain made this measurement, was that when you first got a license?

Mr. RUPPERT. No, sir; it was just when he applied for the new license. You know, we applied for it the 1st of September. You have to put your money up the 1st of September, and when you have put your money up, then he measures it. You have to have it up before the 1st of September.

The CHAIRMAN. But that was after they had come down and told you to change your entrance?

Mr. RUPPERT. Oh, yes. That was early in the spring, when Sheehy was going to resign. That is the time I got scared.

The CHAIRMAN. Do you know why it was that he charged you a contingent fee of \$250 in addition to your \$100?

Mr. RUPPERT. Sure.

The CHAIRMAN. Why?

Mr. RUPPERT. Because he said, "We can not do anything if you do not have a lawyer. You want to get a lawyer. I am the only one that can get it for you," he says.

The CHAIRMAN. Did he say anything about what he would do with the \$250?

Mr. RUPPERT. I suppose he needed it.

Senator THOMPSON. What did he say about it?

Mr. RUPPERT. He said he wanted \$100 down, and after he got the license he wanted \$250 more. I had to sign a contract.

Senator THOMPSON. Did he say anything about what it was necessary to do in order to get the license?

Mr. RUPPERT. No. He didn't tell me anything. Of course, I suppose if I had paid that money down then, why, I would have got it. I went around the wrong way.

The CHAIRMAN. Was there any protest against your license being renewed?

Mr. RUPPERT. Nothing whatever. Even some temperance people living in that square said they would be more than glad for me to have it—people that was against liquor.

Senator THOMPSON. There never had been any complaint against the place you ran?

Mr. RUPPERT. Not as I know of.

The CHAIRMAN. Do you know who got your license?

Mr. RUPPERT. I do not know who got it. A man that came from the southeast—

The CHAIRMAN. How close is he to the church?

Mr. RUPPERT. I do not know; but they told me he is closer than I was.

The CHAIRMAN. Do you know that he is closer than you are?

Mr. RUPPERT. I do not know. The paper said so.

The CHAIRMAN. Did you ever look it over?

Mr. RUPPERT. They said it was. Of course, that is just saying it.

The CHAIRMAN. Suppose you step it off and see.

Mr. RUPPERT. They would not take my word for it. That would not be worth anything.

TESTIMONY OF THAD B. SARGEANT.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your full name?

Mr. SARGEANT. Thad B. Sargeant.

The CHAIRMAN. And your office?

Mr. SARGEANT. 1717 Fourteenth Street; real estate business.

The CHAIRMAN. Where is your home address?

Mr. SARGEANT. 1648 Newton Street.

The CHAIRMAN. How long have you been a resident of the District of Columbia?

Mr. SARGEANT. All my life; 40 years.

The CHAIRMAN. Do you know John J. Madden, a saloon keeper in the District of Columbia?

Mr. SARGEANT. I do.

The CHAIRMAN. Where is his present place of business?

Mr. SARGEANT. He is now located at 401 Four-and-a-half Street—Four-and-a-half and Virginia Avenue. I know where it is, but I do not recall the streets.

The CHAIRMAN. Did you have anything to do with Mr. Madden's unsuccessful efforts to get a license?

Mr. SARGEANT. I had nothing to do with the getting of the license for him. I was acting as his agent in the purchase of a certain property to which he expected to get a transfer of his license.

The CHAIRMAN. You found three different places at which he tried to get transfers?

Mr. SARGEANT. There were three places that he tried to transfer to, in which I was interested in the sale of the properties. In each case we failed.

The CHAIRMAN. Because the transfers were not allowed him by the board?

Mr. SARGEANT. They were not allowed him by the board in any of those cases.

The CHAIRMAN. Shortly after that, or some time after that, did he succeed in securing a license?

Mr. SARGEANT. He did; yes, sir.

The CHAIRMAN. Or a transfer?

Mr. SARGEANT. A transfer of a license; yes, sir.

The CHAIRMAN. State what conversation you had with him regarding that?

Mr. SARGEANT. In the three previous attempts, after his failure to secure transfers, in each of the three previous applications that he made it was stated by a member of the board that there would be some chance for him to obtain a transfer if he would stay in southwest Washington where he was at that time located. But he did not want to remain in southwest Washington; he wanted to go into some other section of the city, preferably the northwest. So the fourth application that he made, the purchase of the property was made through some other real estate firm, and after I found out about it I asked him why he did not buy the property through me. I said, "You told me that you would like to go northwest, and that is the reason why I never offered you any southwest places. Now you are going southwest, and it will be comparatively easy for you to get a transfer if you can get one at all." He says, "Well, you would not come through," or "You did not have any influence," or "You could not help me to get a transfer."

I told him there was nothing that I could do any more than I had done toward securing the property for him. He was, in my opinion, out of the prohibited zone, which was as much as I could do toward

his securing a transfer. The rest of it had to be attended to by his attorney. He told me that I had no influence and could not do anything for him. I said, "What do you mean?" "Well," he says, "it takes money to get a transfer." I said, "You do not mean it takes money with the excise board to get a transfer, do you?" He says, "You don't understand." In that conversation I noticed that the newspapers have put it in such a way as to create a false impression. There never has been a time at which I have ever questioned the integrity and well meaning of the excise board. I had no reason to do so. I have never known anything that they have done that was not absolutely all right. But the answer that Mr. Madden made to me, I repeated that at a later date to Mr. Wilson, the president of the Antisaloon League, and I had no more way of knowing what Mr. Madden meant any more than my own opinion in regard to the matter. My opinion was not that this money was to be paid to the excise board in consideration of the transfer, but I supposed what Mr. Madden meant by that was that he would have to give money, possibly, to some one else in the shape of an attorney's fee, or something similar to that, in order that influence might be brought to bear with the board toward getting him the transfer.

TESTIMONY OF JOHN M. TRANT.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your place of business?

Mr. TRANT. I have sold out my place of business.

The CHAIRMAN. Were you in the saloon business?

Mr. TRANT. Yes, sir.

The CHAIRMAN. At what place?

Mr. TRANT. 629 Four-and-a-half Street.

The CHAIRMAN. Were you granted a license in November, or a renewal?

Mr. TRANT. Last May, I believe; some time last year. I can not remember the time.

The CHAIRMAN. You were granted a license?

Mr. TRANT. A transfer; yes.

The CHAIRMAN. How long had you been in the saloon business before that?

Mr. TRANT. About 11 years.

The CHAIRMAN. Were you represented by an attorney in securing that transfer?

Mr. TRANT. Yes.

The CHAIRMAN. Who was your lawyer?

Mr. TRANT. Mr. Mangan.

The CHAIRMAN. What was his fee?

Mr. TRANT. \$25.

The CHAIRMAN. Do you know anything about any other fees that anybody else paid to get a license?

Mr. TRANT. No, sir.

The CHAIRMAN. Did you have any difficulty in getting your transfer?

Mr. TRANT. No, sir.

The CHAIRMAN. Were there any protests against you?

Mr. TRANT. Some; yes.

The CHAIRMAN. Some protests against you?

Mr. TRANT. Yes.

The CHAIRMAN. Did you feel that it was necessary to employ an attorney?

Mr. TRANT. No; I did not think so afterwards.

The CHAIRMAN. What made you think that you had to have a lawyer?

Mr. TRANT. I just got him, that is all, because I seen everybody else getting one.

TESTIMONY OF WILLIAM T. BURDINE.

(The witness was sworn by the chairman.)

The CHAIRMAN. Mr. Burdine, you had a saloon before the present license year began?

Mr. BURDINE. Yes—709 D Street NW.

The CHAIRMAN. Were you declined a license?

Mr. BURDINE. Yes.

The CHAIRMAN. Were there any protests against the manner in which you had conducted your business?

Mr. BURDINE. None whatever, sir.

The CHAIRMAN. Do you know why they did not give you a license?

Mr. BURDINE. No, sir; I have never been able to find out.

The CHAIRMAN. Did the board give you any reason?

Mr. BURDINE. No, sir; except Mr. Smith. I met him one day, and he told me that the reason was that he had to give out so many, and I failed among the rest. That is the only reason he gave me.

The CHAIRMAN. Who was your lawyer?

Mr. BURDINE. I did not have any until I found out I was turned down, and I got Mr. Colbert to see if I could not get a rehearing to get one of those three places left over; and I got him and went down to the board, and he called for my papers, and the papers were brought out, and he looked over them and said, "You have got a good clean record here. Your police record and your sanitary record are all clear." He turned the jacket over, and there it was, granted on the 29th day of October.

The CHAIRMAN. It was marked "granted"?

Mr. BURDINE. Yes, sir; and a line drawn through "granted." The names had been obliterated by an eraser, but not entirely obliterated. Below it was marked "Refused," and the names signed under that. I got Mr. Colbert to find out if I could not get a rehearing, and I never heard anything from it afterwards, because they started to give these other people a license—Miller Bros. The Herald came out with a report Sunday morning, and I think that scared them into giving Miller Bros. a license.

The CHAIRMAN. What did you pay your lawyer?

Mr. BURDINE. \$25. I did not think I had to have any in the first place, because I was in a saloon zone. I was told that I was in a zone, and that I had nothing against me.

The CHAIRMAN. How many saloons were there on that side of the block, doing business?

Mr. BURDINE. None whatever.

The CHAIRMAN. Yours was the only one?

Mr. BURDINE. The only one in the whole block.

The CHAIRMAN. In that whole block?

Mr. BURDINE. Back on E Street one block away—at Eighth and E, and one at Seventh and E.

The CHAIRMAN. Were there any schools or churches near you?

Mr. BURDINE. No, sir.

Senator THOMPSON. Had there ever been any complaints against your place before?

Mr. BURDINE. None whatever.

Senator THOMPSON. There never had been?

Mr. BURDINE. No, sir. I had been in the business here 48 years one way and another.

Senator THOMPSON. You have never been arrested or charged with anything?

Mr. BURDINE. I was charged with doing a Sunday business down there, but there was no conviction because they could not prove it.

Senator THOMPSON. How long ago was that?

Mr. BURDINE. That was about four years ago. That was a little spite work on the captain's part.

Senator THOMPSON. Was the case tried?

Mr. BURDINE. No, sir.

Senator THOMPSON. It was dismissed?

Mr. BURDINE. Yes, sir; all dismissed—three cases, all dismissed at one time. It was three in one month—just spite work.

The CHAIRMAN. Do you know of any fees paid by anyone else in the matter of getting licenses?

Mr. BURDINE. No, sir; only hearsay, that is all.

TESTIMONY OF REV. ARTHUR RANDALL.

(The witness was sworn by the chairman.)

The CHAIRMAN. State your full name.

Mr. RANDALL. Arthur Randall.

The CHAIRMAN. What is your address?

Mr. RANDALL. 117 O Street NW.

The CHAIRMAN. Will you state your experience in contesting a license for a liquor house before the excise board? In the first place, what is your business?

Mr. RANDALL. I am a minister; pastor of the People's Congregational Church on M Street between Sixth and Seventh, NW.

The CHAIRMAN. Is that a colored church?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. How long have you been there in the calling of a minister?

Mr. RANDALL. Since 1902.

The CHAIRMAN. State your experience in the matter of any liquor houses near your church, or elsewhere.

Mr. RANDALL. The saloon against which I brought to the hearing of the excise board written protests—I think also from the president of the board of education—was one situated at the corner of First and O Streets, NW., opposite which the M Street High School is now being erected. The reason why the president of the board of trustees protested against the licensing of that saloon was because of its nefarious character. I have just moved there less than a year. People have been arrested in the saloon, and it was so bad I could not have my

children out in my yard. I lived five or six doors down from it before the October era of relicensing them under the new regulations.

The CHAIRMAN. Why was it that your children could not be out in the yard?

Mr. RANDALL. Because of the drunks, and their arrests in and around the saloon.

The CHAIRMAN. Did anyone bring this matter to the attention of the excise board?

Mr. RANDALL. I did, personally, in my protest against it.

The CHAIRMAN. Is this a colored high school directly across the street?

Mr. RANDALL. It is being now erected there, and I called attention to that, besides, on other grounds. We protested against it on the ground that there were two inhabited alleys in close proximity to this saloon; and also, Senator, because that saloon is not in what can be claimed to be a business block. There are less than 50 per cent of business houses in that block.

The CHAIRMAN. On that side of the block where the saloon is?

Mr. RANDALL. On that side of the block where the saloon is.

Senator THOMPSON. All the other places are private residences?

Mr. RANDALL. There are other business places. There are a Chinese laundry and restaurant and barber shop. I counted the houses. I went particularly through each house in there, and the majority of them were residences.

The CHAIRMAN. Did the majority of them also protest against this saloon?

Mr. RANDALL. Not on that block. That was the First Street block where the saloon faced. But on my side, O Street, running right perpendicular to that same street, is where I made the protest. I was sick during that time, and I got up out of my bed, against my doctor's advice, to make this protest.

The CHAIRMAN. What did the board say about this protest and your arguments? Did they make any comments?

Mr. RANDALL. Yes. I appealed. I said that, due to the business of that saloon, my church, a small one, had constantly to take up money to buy shoes and to buy groceries for the people living around there, and that from a humane standpoint it ought not to be relicensed. I said that my whole church was against it. I carried down my membership roll of more than 200 members, and they said they would do according to the law. One member of the excise board was satisfied. I said, "By this law, there are no grounds on which this saloon can be relicensed for wholesale or retail business." That was because I had one of the regulations in my hand, saying that no saloon could be licensed in a block where there was less than 50 per cent of the houses were business houses.

The CHAIRMAN. Do you live near your church? Is your house next to the church?

Mr. RANDALL. No, sir; my house is on O Street and my church on M, in that same vicinity.

The CHAIRMAN. Who owns the saloon?

Mr. RANDALL. A Mr. Donohue.

The CHAIRMAN. Do you remember his initials?

Mr. RANDALL. I think his name is John.

The CHAIRMAN. Did he have a lawyer?

Mr. RANDALL. He had a lawyer. The lawyer laughed at me and said that I just came down there to make the regular temperance talk.

The CHAIRMAN. Who was the lawyer?

Mr. RANDALL. I do not know his name, sir.

Senator JONES. As I understand it, the grounds of your protest were, first that there was a schoolhouse to be erected across the street within 400 feet from the saloon?

Mr. RANDALL. Right opposite, in the next block.

Senator JONES. And you called that to the attention of the board?

Mr. RANDALL. I did, sir.

Senator JONES. And, second, that it was in a residence section where less than 50 per cent was occupied for business purposes?

Mr. RANDALL. Yes, sir; and I wrote a letter to the president of the board of education, Mr. Blair, and I would be very glad to give it to this committee.

Senator JONES. He protested against the granting of the license?

Mr. RANDALL. Yes, sir.

Senator JONES. On what grounds?

Mr. RANDALL. Because of the school's location.

Senator JONES. You have the letter with you, you say?

Mr. RANDALL. I thought I had it in my pocket. I have it in my files.

Senator JONES. Will you bring that letter here to be put into the record?

Mr. RANDALL. I shall be glad to do it, sir.

Senator JONES. You wrote it to the board?

Mr. RANDALL. Yes, sir; and handed one to Mr. Sheehy, and I think it gave the names of property owners and other residents protesting against the saloon.

The CHAIRMAN. Within that saloon and around it you say arrests have been made?

Mr. RANDALL. Before the relicensing of it, it was really nefarious.

The CHAIRMAN. How about since that time?

Mr. RANDALL. They sell in sealed packages, and I have constantly, in sweeping my sidewalk, to sweep off flasks where they have been drunk.

Senator JONES. This is a wholesale place, too?

The CHAIRMAN. Selling less than 5 gallons?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. You have to sweep these flasks away?

Mr. RANDALL. Yes, sir; broken and whole.

The CHAIRMAN. Have you seen any other evidences of drunkenness along there since November?

Mr. RANDALL. I have not seen any person drunk since that time, but we have heard the loud, boisterous talk, and the congregation. I have come across groups of young men drinking in front of my house.

The CHAIRMAN. Since November?

Mr. RANDALL. Since that time; yes.

The CHAIRMAN. And does your church still have to put up for people who have been driven to want by this saloon?

Mr. RANDALL. Yes, sir. I would like, Senator, to tell my experiences as a chaplain of the District charities.

The CHAIRMAN. About things happening since November?

Mr. RANDALL. Yes, sir; helping these helpless ones.

The CHAIRMAN. All right.

Mr. RANDALL. In Six-and-a-half Street, in the alley right back of my church, Goat Alley, and so forth, I am constantly called in to serve those families who are ruined and made a wreck of through whisky drinking, and I am even sent out to the tuberculosis hospital to serve——

The CHAIRMAN. Do you know that they got their whisky at this place?

Mr. RANDALL. I do not know; but they are whisky cases, where they are just made human wrecks through the drinking of it.

Senator JONES. We know all about the effects.

Senator THOMPSON. Have you seen any young men going in and out of this place since November?

Mr. RANDALL. Yes, sir; constantly.

Senator THOMPSON. Any boys?

Mr. RANDALL. Women and young men. I do not see any what we call minors.

Senator THOMPSON. Colored and white, both?

Mr. RANDALL. No; no white men. This saloon is largely patronized by colored people.

Senator THOMPSON. You have seen colored women going in and out of there?

Mr. RANDALL. Yes, sir.

Senator THOMPSON. Do you know the characters of any of those whom you have seen going into and out of that place?

Mr. RANDALL. Only on general principles. I have seen right opposite there, at the police box, young men in their teens arrested, largely through the use of liquor sold in that saloon, I would judge.

(At 6.10 o'clock p. m., the committee adjourned until to-morrow, Friday, February 26, 1915, at 10.30 o'clock a. m.)

**INVESTIGATION OF THE CONDUCT OF THE EXCISE
BOARD OF THE DISTRICT OF COLUMBIA**

HEARINGS

BEFORE THE

**SPECIAL COMMITTEE OF THE
UNITED STATES SENATE**

SIXTY-THIRD CONGRESS

THIRD SESSION

PURSUANT TO

S. RES. 522

**A RESOLUTION AUTHORIZING THE SPECIAL COMMITTEE OF
THE SENATE TO INVESTIGATE FULLY INTO THE MAN-
NER IN WHICH THE EXCISE LAW, SO CALLED,
IS BEING ADMINISTERED IN THE
DISTRICT OF COLUMBIA.**

PART 4

Printed for the use of the Special Committee

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1915

SPECIAL COMMITTEE.

MORRIS SHEPPARD, Texas, *Chairman.*

WILLIAM HUGHES, New Jersey.

WESLEY L. JONES, Washington.

WILLIAM H. THOMPSON, Kansas.

WILLIAM P. DILLINGHAM, Vermont

II

**D. OF O.
OCT 21 1915**

a. S. Nov 14/15-

INVESTIGATION OF THE CONDUCT OF THE EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

FRIDAY, FEBRUARY 26, 1915.

SPECIAL COMMITTEE
UNITED STATES SENATE,
Washington, D. C.

The special committee met, pursuant to adjournment, at 10.30 o'clock a. m., in the room of the Committee on Indian Affairs of the Senate, in the Capitol.

Present: Senators Sheppard (chairman), Thompson, Jones, and Dillingham.

TESTIMONY OF HENRY SCHNEIDER.

(The witness was sworn by the chairman.)

The CHAIRMAN. State your official position.

Mr. SCHNEIDER. I am a captain of the Metropolitan police, in charge of the seventh precinct.

The CHAIRMAN. How long have you been a resident of the District?

Mr. SCHNEIDER. About 25 years.

The CHAIRMAN. What was your State, originally?

Mr. SCHNEIDER. New York.

The CHAIRMAN. Did you have opportunity to know about the granting of a license to Mr. Killeen?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Did you make the measurements?

Mr. SCHNEIDER. Not personally, in 1914, but my sergeants did; and I based my official report on the measurements made by the sergeants.

The CHAIRMAN. Please state what that report was.

Mr. SCHNEIDER. John Killeen, or John F. Killeen, located 362 feet from the Dumbarton M. E. Church. All the provisions of the excise law have been complied with in every instance, except that he was within 362 feet, according to my measurement, of the M. E. Dumbarton Church.

The CHAIRMAN. What system of measurement did you adopt?

Mr. SCHNEIDER. The nearest course of travel.

The CHAIRMAN. That is in a straight line from entrance to entrance?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Or did you make any turns?

Mr. SCHNEIDER. You are compelled to make a turn by turning into Dumbarton Avenue.

The CHAIRMAN. How far from the entrance would you go before you would turn?

Mr. SCHNEIDER. From the center of the sidewalk.

The CHAIRMAN. You went to the center of the sidewalk?

Mr. SCHNEIDER. Yes; to the doorsteps of the entrance to the church.

The CHAIRMAN. Did you go to the center of the sidewalk in front of the steps of the church before you turned?

Mr. SCHNEIDER. No.

The CHAIRMAN. Or did the steps run out to the center?

Mr. SCHNEIDER. The steps ran out to the sidewalk.

The CHAIRMAN. Did they run to the center of the sidewalk or across the sidewalk?

Mr. SCHNEIDER. They run to the edge of the sidewalk. The entrance to the church proper would be some feet back. The church sets back off the building line, but I consider that the church premises commence at the building line.

The CHAIRMAN. In leaving the saloon entrance, you went to the center of the sidewalk?

Mr. SCHNEIDER. Practically, yes.

The CHAIRMAN. There were two other applicants for that same license, were there not, or two other applicants in that immediate vicinity?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Lipnick and Cole?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Were they in the same block with Mr. Killeen?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Was Lipnick within the 400-foot limit?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. What was his distance?

Mr. SCHNEIDER. Lipnick's distance was 328 feet.

The CHAIRMAN. Measured in the same way that you measured Killeen's?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. What distance was Cole from the church?

Mr. SCHNEIDER. I have not got the exact number of feet, but it was quite a number over 400 feet.

The CHAIRMAN. You are familiar with the situation?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. And you know that to be the fact?

Mr. SCHNEIDER. Yes. I measured it myself years, ago for several years.

The CHAIRMAN. Did you know anything against Cole and the way in which he managed the place? Was there any complaint or protest against him?

Mr. SCHNEIDER. Absolutely none.

The CHAIRMAN. Do you know why he was rejected and this other man accepted?

Mr. SCHNEIDER. I do not.

The CHAIRMAN. Mr. Killeen was given the license?

Mr. SCHNEIDER. Yes. These measurements were made by Sergt. J. M. Watch.

The CHAIRMAN. Do you know anything about the bar operated by Joseph Schladt?

Mr. SCHNEIDER. I do.

The CHAIRMAN. Where is he located?

Mr. SCHNEIDER. At 1236 and 1238 Wisconsin Avenue.

The CHAIRMAN. He is running a supposed hotel there, is he not?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. What is the name of the place?

Mr. SCHNEIDER. The West Washington Hotel.

The CHAIRMAN. Do you know how many rooms there are in that place?

Mr. SCHNEIDER. I made an inspection of those premises four years ago—I am not positive whether three or four years ago—and at that time I counted 22 rooms. That is exclusive of the rooms that were occupied by him and his family. He then made alterations and cut some of the rooms up into 2 rooms, and brought the number of rooms up to 26. Originally he had only 22.

The CHAIRMAN. I see here that he has a hotel license.

Mr. SCHNEIDER. Yes.

The CHAIRMAN. And he is now operating under a hotel license, and the official record or the license record shows that he has 30 rooms at this time?

Mr. SCHNEIDER. I have not made an inspection in the last three years. I had no occasion to do it.

The CHAIRMAN. Do you know anything about the character of the place?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Will you state what it is?

Mr. SCHNEIDER. The character of it is bad.

The CHAIRMAN. In what respect? State fully what you know about that place?

Mr. SCHNEIDER. I have been acquainted with Joe Schladt's place for approximately 14 years. I have had Schladt in court a number of times for violating the Sunday law, selling liquor on Sundays.

The CHAIRMAN. Has he ever been convicted?

Mr. SCHNEIDER. Yes. I have raided poker games in that place. May I read the record as I know it to be of my own personal knowledge?

The CHAIRMAN. Yes.

Mr. SCHNEIDER. I made notes of it.

The CHAIRMAN. Have you the dates also?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Go ahead.

Mr. SCHNEIDER. August 25, 1905, Sunday bar, dismissed; November 25, 1905, Sunday bar, \$100 fine, paid; October 23, 1907, unlicensed bar, fine \$800, but granted a new trial and finally case was nol-prossed; August 16, 1907, Sunday bar, \$200 fine, paid; September 9, 1908, violating police regulations. I can not recall just what that was, but it was nol-prossed. November 27, 1908, permitting gaming, dismissed. That is the poker game that I referred to. The man who was running the game assumed all the responsibility, although Mr. Schladt was within 15 feet of where the game was being played. The place also has a reputation of being a bawdy house.

The CHAIRMAN. It has that reputation now?

Mr. SCHNEIDER. Yes. As early as 1906 I made the following report:

In view of the fact that this applicant made a solemn promise to the excise board on October 13, 1906, not to sell on Sundays, in violation of law, and the further fact that on the Sunday following and every Sunday since he has admitted a large number of well-known local characters into his place, some of whom come out very much under the influence of liquor, and who were observed passing bottles that apparently contained liquor to friends on the street, I recommend that the license be not granted.

The CHAIRMAN. That was in 1906?

Mr. SCHNEIDER. As early as 1906. I have opposed the granting of that license for a number of years, except last year.

The CHAIRMAN. Did you oppose it before the present excise board in 1913?

Mr. SCHNEIDER. I opposed it in 1913 and appeared before the excise board with a number of witnesses.

The CHAIRMAN. You gave them the record of the place?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. And told them what you knew about it?

Mr. SCHNEIDER. I did.

The CHAIRMAN. In 1913 had you seen evidences of the same character of the place?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Have you seen anything in 1914 that would lead you to think that the house was still a disreputable place?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. What did you see?

Mr. SCHNEIDER. I have seen women in there.

The CHAIRMAN. Bad women?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. You saw them in 1913 also?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. And you told the board so?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. What other people appeared against Mr. Schladt besides the police officers?

Mr. SCHNEIDER. There were several citizens. I can not recall their names, but quite a few of them.

The CHAIRMAN. What have you noticed regarding the place this year?

Mr. SCHNEIDER. Nothing, except that I still see women going in and out.

The CHAIRMAN. Women of bad character?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. White or colored?

Mr. SCHNEIDER. White.

The CHAIRMAN. All of them white?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Did the board give any reason why it would license a place of that character?

Mr. SCHNEIDER. Absolutely none.

The CHAIRMAN. Do you know of any reason that prompted them to grant a man of that character a license to run a saloon?

Mr. SCHNEIDER. No, I can not say. I will state that for a number of years Mr. Schladt was running his bar from year to year and his license would be granted on the latter part of the license year. He would be permitted to run, say, from five months to a year without a license, and the license would be granted, finally, in the latter part of the license year.

The CHAIRMAN. That was before the present board went in, was it not?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. Do you know whether anybody appeared in behalf of this license besides the applicant himself?

Mr. SCHNEIDER. He was represented by an attorney.

The CHAIRMAN. Who was his attorney?

Mr. SCHNEIDER. Mr. Julius Peyser was his attorney in 1913.

Senator JONES. Do you know of any of the citizens over there who urged the granting of this license?

Mr. SCHNEIDER. No.

The CHAIRMAN. You do not know of any petition that was presented by citizens that the license be granted?

Mr. SCHNEIDER. No. In fact, there was none. The majority of good citizens in that part of the city were opposed to the granting of that license.

The CHAIRMAN. Do you know of any sums of money put up by saloon keepers to get licenses?

Mr. SCHNEIDER. I do not.

The CHAIRMAN. Did you hear anything about that?

Mr. SCHNEIDER. No. I understand there was a case where a number of them, in order to overcome a certain objectionable feature, or rather to overcome a provision in the law, expended some money in order to convert certain dwellings into stables or garages. I understand that has been done, but whether or not that is true, I do not know. I have been told so. However, the dwelling houses in Dyers Alley, for instance, were changed into garages in order to comply with the law.

The CHAIRMAN. In order to make it a business section?

Mr. SCHNEIDER. In order to wipe out an inhabited alley.

The CHAIRMAN. In order to wipe out an objectionable feature?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. What alley?

Mr. SCHNEIDER. The alley known as Dyers Alley between Thirty-third and Thirty-fourth, M Street and the canal.

Senator JONES. Do you know what the condition of that alley is now?

Mr. SCHNEIDER. It is not occupied. There are no houses occupied in the alley at all.

Senator JONES. So it continues to be an uninhabited alley?

Mr. SCHNEIDER. Yes; ever since.

The CHAIRMAN. Do you know anything about Sullivan's place on Thirty-fifth Street?

Mr. SCHNEIDER. I do know that there were a number of changes made there—dwellings were converted into business property—in order to meet with the requirements of the law.

The CHAIRMAN. In other words, it was at first a residence block?

Mr. SCHNEIDER. It was.

The CHAIRMAN. Do you know who converted the residences into business property?

Mr. SCHNEIDER. I understand, and according to the building permit records, Mr. Sullivan, the applicant, converted this residence property into business property.

The CHAIRMAN. What kind of business?

Mr. SCHNEIDER. Stores.

The CHAIRMAN. He converted them into stores?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. And rented them?

Mr. SCHNEIDER. Yes; and they are occupied now as such.

Senator JONES. Was that done before the license was applied for?

Mr. SCHNEIDER. Yes.

Senator JONES. Did Mr. Sullivan seem to own all of that land?

Mr. SCHNEIDER. He owned a considerable portion of it, and he acquired some of it by purchase.

Senator JONES. The rest of the block—that is, the other sides of the block—are occupied in what way?

Mr. SCHNEIDER. Mostly by dwelling houses.

Senator JONES. And he simply converted the side on which the saloon is into business houses so as to make that part of it 50 per cent business frontage?

Mr. SCHNEIDER. Yes.

Senator JONES. And all the rest of the block is residence?

Mr. SCHNEIDER. Yes. Not all the rest, but practically all. I would say 75 per cent of it.

Senator JONES. And the other blocks are what?

Mr. SCHNEIDER. They are all residence.

The CHAIRMAN. Is there a university hospital near there?

Mr. SCHNEIDER. Yes; the university hospital, I would say, is within 325 feet or 330 feet of this barroom.

The CHAIRMAN. Of Sullivan's barroom?

Mr. SCHNEIDER. Yes.

Senator JONES. Do you know whether these things were called to the attention of the board before the license was granted?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. It was called to their attention?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. By you?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. This university hospital is used as a school, is it not? Classes are heard there?

Mr. SCHNEIDER. They have a training school for nurses there, but that fact was not reported in my report.

The CHAIRMAN. You reported to the board that this side of the block had been a residence section and had been converted by this man into a business section?

Mr. SCHNEIDER. No; I did not report that, but the attention of the board was called to the fact that these changes had been made, and I know of my own personal knowledge that the board visited this section and looked it over.

The CHAIRMAN. Were these changes made last year or in 1913?

Mr. SCHNEIDER. They were made in 1913.

The CHAIRMAN. Were those stores occupied at the time the license was granted?

Mr. SCHNEIDER. Not all of them.

The CHAIRMAN. Were enough of them occupied to make it more than 50 per cent business?

Mr. SCHNEIDER. No.

The CHAIRMAN. They were not?

Mr. SCHNEIDER. No.

The CHAIRMAN. Who else made inspections of that Schladt place? Who was your man?

Mr. SCHNEIDER. Sergeant Hess is one of them—W. P. Hess. He is here.

The CHAIRMAN. Were similar changes made by Carr and Wardell in the block in which they live, from residence property to business property?

Mr. SCHNEIDER. The conditions of Carr and Wardell are somewhat different. The conditions are different in that block. On the side of M Street where Carr and Wardell are located there are no houses. The fronts of those places look upon the open canal. There are very few houses in the entire block. There was one business place erected, however, north of this place; but conditions there would be entirely different from what they would be in the Sullivan case.

The CHAIRMAN. You say this block fronts on the canal?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. There were not more than four or five houses on the side fronting the canal?

Mr. SCHNEIDER. None on the side where the canal is, and on the north side there are not more than four or five houses.

The CHAIRMAN. Were they business houses or residences?

Mr. SCHNEIDER. Some were business and some were residences.

The CHAIRMAN. What was the proportion of business houses to residence houses, if you can remember; about half and half?

Mr. SCHNEIDER. No; more.

The CHAIRMAN. More business?

Mr. SCHNEIDER. Yes.

The CHAIRMAN. That is all. We are much obliged to you.

TESTIMONY OF WILLIAM P. HESS.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your official position?

Mr. HESS. Sergeant of the Metropolitan police, connected with the seventh precinct.

The CHAIRMAN. Are you under Capt. Schneider?

Mr. HESS. Yes.

The CHAIRMAN. How long have you been in that precinct?

Mr. HESS. A little better than 20 years.

The CHAIRMAN. You have been on the force that long?

Mr. HESS. Yes; about 20½ years, altogether.

The CHAIRMAN. Have you had occasion to be familiar with the conditions in the West Washington Hotel and the bar operated there?

Mr. HESS. Yes; right smart.

The CHAIRMAN. How often have you had opportunity to investigate that place?

Mr. HESS. I have passed by there on several occasions, and I have heard a number of reports about the place and have gone in there and investigated it, and on several occasions I have seen women in there; but at the time I was in there I could not say that I saw them doing anything out of the way.

The CHAIRMAN. Were they women of disreputable character?

Mr. HESS. I had been told that. I do not know that of my own knowledge.

The CHAIRMAN. What is the reputation of that place?

Mr. HESS. Bad.

The CHAIRMAN. That is, in what respect?

Mr. HESS. In the way of having women go there and drink, and for other purposes.

The CHAIRMAN. Is this supposed to be a low resort for men and women—a bawdy house?

Mr. HESS. Yes; to some extent. That is the reputation. As I say, I have been in there on several occasions and I have seen women sitting around there, but I have never seen anything, of my own personal knowledge, out of the way.

The CHAIRMAN. Did you testify before the excise board at any time as to what you had seen in there or as to the character of the place?

Mr. HESS. Yes; prior to the granting of the license in 1913 I was a witness before the excise board.

The CHAIRMAN. What did you say to the excise board?

Mr. HESS. They asked me if I had seen people going in and out of the place and I stated about what I have said here.

The CHAIRMAN. Men and women?

Mr. HESS. Yes.

The CHAIRMAN. In and out of the saloon?

Mr. HESS. In and out of the side entrance to the upstairs portion; and the place at that time was a hotel, which of course permitted them to pass in and out.

Senator JONES. It is a hotel with less than 50 rooms?

Mr. HESS. I do not know the number of rooms. I never had occasion to count them.

The CHAIRMAN. The license shows that it is a hotel of less than 30 rooms. I have a statement here from Mr. Coombs, the license clerk of the District, showing this hotel has less than 30 rooms.

That is all

TESTIMONY OF JAMES T. NEWKIRK.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your official position?

Mr. NEWKIRK. I am a member of the Metropolitan police force attached to No. 6 precinct.

The CHAIRMAN. How long have you been on the force?

Mr. NEWKIRK. Twenty-four and one-half years.

The CHAIRMAN. Is the Philadelphia House in your precinct?

Mr. NEWKIRK. Yes.

The CHAIRMAN. What do you know about that place?

Mr. NEWKIRK. I have been knowing of the Philadelphia House ever since I have been on the force. The last three years it has been extremely bad, by the number of men and women frequenting the place, of bad reputation; women known as prostitutes and street walkers and solicitors. They go into the place as high as a dozen times in one night with different men.

The CHAIRMAN. Are there rooms there?

Mr. NEWKIRK. No; no rooms. They go to this summer garden. There is a piano and a man plays there, and the women dance and expose their limbs to their knees, and there are as high as 75 to 80 men and women in this small summer garden at one time, sitting around tables drinking, and some of them eating.

The CHAIRMAN. The place still has that character?

Mr. NEWKIRK. It still has that character.

The CHAIRMAN. Did you testify before the excise board about these facts?

Mr. NEWKIRK. Yes.

The CHAIRMAN. Last November?

Mr. NEWKIRK. Yes.

The CHAIRMAN. Did you also testify the year before, in 1913?

Mr. NEWKIRK. I do not think I did; no, sir.

Senator JONES. You are acquainted with what used to be the Hurdle Place, across the street from there?

Mr. NEWKIRK. Yes; the Chicago Hotel.

Senator JONES. I do not know the name of the hotel.

Mr. NEWKIRK. He just moved from 329 to 345.

Senator JONES. And then he was denied a license?

Mr. NEWKIRK. Yes.

Senator JONES. Do you know anything about the character of his place?

Mr. NEWKIRK. Well, at the Chicago Hotel I did not observe anything wrong. He has only been there about a year, and to my knowledge he has tried to conduct the place straight, as near as possible.

Senator JONES. Can you tell anything else about the conduct of this Philadelphia House?

Mr. NEWKIRK. Oh, a number of arrests are made there of people who frequent that place; as high as six or seven or eight or nine in one load, particularly on Saturday night at 12 o'clock when the place is let out. A couple of weeks before the end of November last I got nine in one load, six from the Philadelphia House, including one white man, whom I took out of the place. The men and women were charged with intoxication, with fighting, and using bad language; taking the name of God in vain.

Senator JONES. It is simply a place largely of carousal?

Mr. NEWKIRK. Yes.

Senator JONES. And debauchery?

Mr. NEWKIRK. Yes; common prostitutes, crapshooters, and thieves frequent it.

Senator JONES. Carrying on all the time?

Mr. NEWKIRK. Yes; carrying on that way all the time. The people that frequent that place have that reputation.

Senator JONES. Those things were brought to the attention of the excise board?

Mr. NEWKIRK. Yes. The excise board were there and saw for themselves the carryings on.

The CHAIRMAN. Were those arrests kept up through this year?

Mr. NEWKIRK. Yes; I made four there last night, in that vicinity, right on that corner. They had frequented that place and other saloons in the near vicinity.

Senator JONES. Most of the patrons of this place are colored?

Mr. NEWKIRK. Yes. Once in a while a drunken white man or a drunken white woman will drift in there not knowing where they are going. The neighborhood is a slum neighborhood, and most of the people there are very low, common white people, including the colored, who are bad, as well as the white people that frequent these places; and I think they are really worse than the colored people.

Senator JONES. Do you know if that place could be very much worse than it is, or carried on in a much more disreputable way than it is.

Mr. NEWKIRK. No; I do not think it possibly could, because even the proprietor himself had an altercation with a woman, say three or four nights ago, and she tried to cut his throat and almost cut his jugular vein off, and she was known as his woman—what you might call a prostitute. Jealousy caused the altercation of words, and the words caused this serious assault. I believe it took five or six stitches to sew up the wound.

The CHAIRMAN. It took five or six stitches in his throat?

Mr. NEWKIRK. Yes; in the side of his face, here.

Senator JONES. Do you know anything of the general character of the man who runs the place, besides knowing the character of the place he runs?

Mr. NEWKIRK. No.

The CHAIRMAN. What is his name?

Mr. NEWKIRK. Edelin. He is a single man.

The CHAIRMAN. How long has he been operating there?

Mr. NEWKIRK. For eight or nine years. His sister, Mrs. Carroll, died there a few years ago, and she left the business to him.

Senator JONES. He is a white man?

Mr. NEWKIRK. He is a colored man.

The CHAIRMAN. Is there anything else that you can tell us about the place?

Mr. NEWKIRK. No; I think that is sufficient.

The CHAIRMAN. I think so, too. The excise board, however, did not seem to think so.

Mr. NEWKIRK. Some of them might like the hootchy-kootchy dance or the tango.

The CHAIRMAN. Did you hear the excise board make any remark about the place after they came out of the place?

Mr. NEWKIRK. No, not to me; but I heard they did make a remark. I heard they made a remark to Mr. Shoemaker that they never knew such a place as that existed in the city of Washington, and that it had no show of ever getting a license there.

The CHAIRMAN. Do you know of any other place in that vicinity in your precinct that is of a bad character?

Mr. NEWKIRK. There is a saloon at 115 Four-and-a-half Street, just around the corner, a yet-ko-min joint, a Chinese restaurant, where that class of people visit up to 3 o'clock in the morning—a pig-foot shop, or a chittlings house, with old Virginia cornbread on the side. It is conducted in just that way. That class visits that place at all times of the night. The saloon keeps open until 1 o'clock at night, and the frequenters of this place, of course, go to the saloon back and forth, and a number of arrests are made there. There is hardly a Saturday night goes by that there are not as high as six or seven. During the week there are three or four or five.

The CHAIRMAN. Whose place is that?

Mr. NEWKIRK. Jeremiah O'Connor's.

The CHAIRMAN. Were any protests made against his license in November?

Mr. NEWKIRK. No.

The CHAIRMAN. Were there any made against the Philadelphia House?

Mr. NEWKIRK. I do not think there were. I do not think there were any protests made against any of the restaurants and the saloons in that slum neighborhood.

The CHAIRMAN. Did not the Gospel Mission protest?

Mr. NEWKIRK. Yes; but I mean in regard to the police department — to us.

The CHAIRMAN. I do not mean you.

Mr. NEWKIRK. Oh, yes; the Gospel Mission did vigorously protest.

The CHAIRMAN. Against the Philadelphia House?

Mr. NEWKIRK. Yes; and against the saloon at 115 Four-and-a-half Street.

The CHAIRMAN. You do not consider it the business of the police to make protests unless you are called on to testify?

Mr. NEWKIRK. Yes. I never go in one of these places unless on official business or with an officer.

The CHAIRMAN. You do not make these protests of your own motion, against the renewal of licenses?

Mr. NEWKIRK. No; only when called on. I was subpoenaed before the board as I was subpoenaed here.

The CHAIRMAN. There must have been a protest of some kind at that hearing.

Mr. NEWKIRK. Yes; but only by the Gospel Mission on John Marshall Place.

The CHAIRMAN. Do you know of any other place?

Mr. NEWKIRK. No. I know all these places. If you would just name some of them, I might.

The CHAIRMAN. What about the alley on the north side of Pennsylvania Avenue?

Mr. NEWKIRK. That is Jackson Hall Alley.

The CHAIRMAN. Tell us about that.

Mr. NEWKIRK. It is from Third Street to Four-and-a-half Street, Pennsylvania Avenue to C Street. It is a reservation alley, and there are 30 houses in that alley, mostly occupied by colored people and Greeks, pushcart venders, candy makers, celery sellers, and colored people; some of them of the working class and others not so good.

The CHAIRMAN. Is there a saloon within 300 feet of that alley?

Mr. NEWKIRK. Oh, yes.

The CHAIRMAN. Is the Philadelphia House within 300 feet of that?

Mr. NEWKIRK. Yes; it is exactly across the street.

The CHAIRMAN. What is the character of the conditions in that alley?

Mr. NEWKIRK. The conditions in that alley at the present time are not very bad, it might be on account of the reduction in the number of licenses there; but they are going in and coming out at all times of the night. The police record does not show much disorder.

The CHAIRMAN. You say they are going in and coming out at all times of the night?

Mr. NEWKIRK. Yes.

The CHAIRMAN. You mean men and women?

Mr. NEWKIRK. Yes; some of the women who live in that alley that frequent those yet-ko-min joints, Chinese restaurants, and cheap restaurants run by Greeks.

The CHAIRMAN. Would you say that it is a place of bad character?

Mr. NEWKIRK. I would call it a slum character.

The CHAIRMAN. Are there any other slum alleys in your precinct?

Mr. NEWKIRK. That is about the only alley that is in that neighborhood, where any of those people live. I have not done duty back in some of the other alleys, but there is an alley at First Street and Pennsylvania Avenue, called Purdys Court, and there are a number of Italians there. For this last year they have been behaving themselves very nicely.

Mr. O'CONNOR. Mr. Chairman, I would like to ask the witness some questions.

Senator JONES. We have a rule of this committee that any questions that outsiders desire to ask shall be placed in writing and presented to the chairman.

The CHAIRMAN. We will put you on the stand and let you make your statement.

Mr. O'CONNOR. Will you not permit me the privilege that I am entitled to?

The CHAIRMAN. We will put you on the stand.

Mr. O'CONNOR. I should like to ask him a question.

Senator DILLINGHAM. Reduce it to writing.

Mr. O'CONNOR. Well, that will take some time.

The CHAIRMAN. Come over here by me and tell me what you want to ask him. Just sit right over here.

Mr. O'CONNOR. I think I might be granted the privilege, Senator, that I am entitled to.

Senator JONES. If we allowed everybody who wanted to, to ask questions, there would be no end to it. The thing would go on forever.

(After informal conversation between Mr. O'Connor and the members of the committee, Mr. O'Connor proceeded to state in a low tone to the chairman questions which he desired to be asked of the witness, each of which questions was then asked by the chairman and answered as follows:)

The CHAIRMAN. Did you make any arrests at O'Connor's place in the last two years?

Mr. NEWKIRK. I would have made arrests there, but——

The CHAIRMAN. What is that?

Mr. NEWKIRK. I would have made many arrests there, but I was not allowed to. Mr. O'Connor had made certain threats that if I went in there I would get throwed out.

Mr. O'CONNOR. I never made such a threat.

Senator JONES. Does that prevent police officers from going in there?

Mr. NEWKIRK. No; but I was instructed not to. I used to go into that place.

Senator JONES. Who instructed you not to?

Mr. NEWKIRK. My lieutenant. He instructed me not to go in there unless I was on official duty, so that since that time I never went in any of the saloons without going there on duty.

Senator JONES. Would it not be official duty to go in these saloons to see how they are being conducted?

Mr. NEWKIRK. I think it would, absolutely. I always did it, for years.

Senator JONES. Who was that that gave you these instructions?

Mr. NEWKIRK. Lieut. Duvall.

The CHAIRMAN. Were you put off that beat?

Mr. NEWKIRK. No, sir; I was transferred just on the other side of the street.

The CHAIRMAN. Where does that beat end?

Mr. NEWKIRK. At Four-and-a-half Street—Fourth Street.

The CHAIRMAN. Where is your present beat?

Mr. NEWKIRK. From Four-and-a-half to Sixth.

The CHAIRMAN. You were not transferred off that beat?

Mr. NEWKIRK. I was transferred off the beat; yes, sir.

The CHAIRMAN. Why were you transferred?

Mr. NEWKIRK. Mr. O'Connor had went to headquarters, and he made a false statement that I had been borrowing money off of Mr. Shea, a saloon keeper. I was tried on those charges and proved myself clear, which I told the major that I didn't owe Mr. Shea anything, never borrowed from him only one time, and that was when I had a death in the family, and I had to have money, and Mr. Shea testified to the same thing; and I paid him back. Mr. Shea testified to the same thing, which was perfectly right. Capt. Byrnes said, "You had better go on the other beat for a while." Since then my beat has been just as much on Mr. O'Connor's part of the territory as it ever was. I go back and forth. I often take from Third to Seventh Streets—that is, including between Third and Four-and-a-half Streets—and it is hardly a week that I do not cover the whole line there, more or less.

The CHAIRMAN. Mr. O'Connor, do you want to take the stand?

Mr. O'CONNOR. I would like to ask him some more questions.

The CHAIRMAN (after further suggestion by Mr. O'Connor). Did you arrest the superintendent of the Gospel Mission?

Mr. NEWKIRK. Yes, sir.

The CHAIRMAN. Explain that.

Mr. NEWKIRK. I arrested him on a number of complaints from Mr. Kline.

Mr. MATTHEW O'BRIEN. That case is still pending, and I am counsel for that man, and I object to that case being tried here.

Mr. NEWKIRK. He went to the station house just the same as anybody else would go.

The CHAIRMAN. That will do. Stand aside.

All the witnesses who have been examined may now be excused.

TESTIMONY OF JEREMIAH O'CONNOR.

(The witness was sworn by the chairman.)

The CHAIRMAN. Will you state your full name?

Mr. O'CONNOR. Jeremiah O'Connor.

The CHAIRMAN. What is your address?

Mr. O'CONNOR. 115 Four-and-a-half Street NW.

The CHAIRMAN. Are you running a saloon there?

Mr. O'CONNOR. Yes.

The CHAIRMAN. Now, state about the manner in which your saloon is conducted?

Mr. O'CONNOR. It is conducted in an orderly manner, according to the law, for the past 10 years, while I have been there. I have never been in the police court; never have been charged with any crime or any evasion of the law.

The CHAIRMAN. Do any Chinamen frequent your place?

Mr. O'CONNOR. No, sir.

The CHAIRMAN. Is there a Chinese district adjacent?

Mr. O'CONNOR. No, sir.

The CHAIRMAN. Is it near you?

Mr. O'CONNOR. The Chinese district is on Pennsylvania Avenue.

The CHAIRMAN. What is the nearest Chinese place to you?

Mr. O'CONNOR. There are no Chinamen living in that neighborhood.

The CHAIRMAN. Where are the nearest Chinese to you?

Mr. O'CONNOR. Around the corner, on Pennsylvania Avenue. As a rule, Chinamen do not visit saloons.

The CHAIRMAN. Was there any protest against the renewal of your license last November?

Mr. O'CONNOR. No, sir, never a protest; except Mr. Kline, of the Gospel Mission, made some protest that he could not substantiate.

Senator JONES. Was not that a protest?

Mr. O'CONNOR. It is a general protest, from his standpoint; what he has, as a rule, against all saloons. He had no material fact, that I could see, submitted to the board.

The CHAIRMAN. That is sufficient.

Mr. O'CONNOR. Now, I want to say something else.

Senator JONES. No; we do not care to go into that other matter.

Mr. O'CONNOR. Gentlemen, I do not feel that I got a square deal in this matter, because I was not permitted to cross-question the witness.

The CHAIRMAN. You will be permitted to ask any questions you want to. Submit them to me in writing.

Mr. O'CONNOR. I do not think it is fair. I think it is discriminatory.

The CHAIRMAN. You stand aside.

Mr. O'CONNOR. Yes, sir; I will. It is all a one-sided affair, gentlemen, to my mind. I do not think it is fair, such treatment; to put him on the stand and say that he will not be permitted to be questioned.

Senator JONES. Mr. Chairman, I move that the chairman request the Sergeant at Arms of the Senate to detail an official to this room to preserve order.

The CHAIRMAN. Very well. Is that satisfactory to the committee?

Senator DILLINGHAM. Yes.

TESTIMONY OF PRESTON E. MILLER.

(The witness was sworn by the chairman.)

The CHAIRMAN. State your full name.

Mr. MILLER. Preston E. Miller.

The CHAIRMAN. Are you one of the Miller Bros., conducting a place at No. 1340 E Street?

Mr. MILLER. Yes, sir.

The CHAIRMAN. How long have you conducted a place there?

Mr. MILLER. Do you mean how long has it been in my name and my brother's?

The CHAIRMAN. Yes.

Mr. MILLER. Since my father's death; that is, two years last September.

The CHAIRMAN. Did you have some trouble getting a renewal of your license last November?

Mr. MILLER. Yes, sir; the license was refused last November 1.

The CHAIRMAN. Your license was refused?

Mr. MILLER. Yes, sir.

The CHAIRMAN. On what grounds?

Mr. MILLER. I do not know.

Senator DILLINGHAM. Can you not speak a little louder?

Mr. MILLER. Yes, sir. There were five saloons in the block and the law only allowed three, I think, and two had to be refused.

The CHAIRMAN. What suggestion came to you as to how you could get a license?

Mr. MILLER. There were three remaining licenses not granted, and we made application, after our license was refused, for a license at 501 Fourteenth Street NW.

The CHAIRMAN. Who suggested that to you, to apply for a license on Fourteenth Street?

Mr. MILLER. Mr. Sullivan.

The CHAIRMAN. Who is Mr. Sullivan?

Mr. MILLER. He represents the Heurich Brewing Co. He attended all the hearings of the excise board.

The CHAIRMAN. Was that after your first application had been declined?

Mr. MILLER. Yes.

The CHAIRMAN. Did he represent you when you made application, while the entrance to your saloon was on E Street?

Mr. MILLER. He did not exactly represent us. He was there in the interest of Mr. Heurich.

The CHAIRMAN. In the interest of whom?

Mr. MILLER. Mr. Heurich, the owner of the property.

The CHAIRMAN. Oh, the owner of the property?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Did you have a lawyer to represent you?

Mr. MILLER. No, sir.

The CHAIRMAN. You say Mr. Sullivan suggested to you that you change your entrance from E Street to Fourteenth Street?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Did he say who suggested it to him?

Mr. MILLER. No, sir. He said there were three openings for a license, and that we had better make application as soon as possible.

The CHAIRMAN. And change your entrance?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Did you change your entrance immediately, or before you made your application?

Mr. MILLER. No, sir; we did not change the entrance until the license was granted.

The CHAIRMAN. You did not change your entrance until after your license was granted?

Mr. MILLER. No, sir.

The CHAIRMAN. Did you pay out any money to get your license?

Mr. MILLER. No, sir.

Senator JONES. After the license was granted how long was it until you had an entrance there?

Mr. MILLER. We got in that afternoon, I think.

Senator JONES. You just tore out the window and commenced business?

Mr. MILLER. Yes, sir.

Senator JONES. Did you not have to show, in your application for a license, where your entrance was?

Mr. MILLER. Well, you have to have the plans drawn of that.

Senator JONES. You had plans drawn, but you had no entrance?

Mr. MILLER. No, sir.

Senator JONES. The room was just the same as you had been occupying for a saloon all the time before?

Mr. MILLER. How is that, sir?

Senator JONES. The room that you have your saloon in now, under the new entrance, is just the same room that you had been having it in before?

Mr. MILLER. The same; yes, sir.

Senator JONES. Did you not suggest to Mr. Sullivan that it was no use to apply for a license there in that same room again?

Mr. MILLER. No, sir.

Senator JONES. Did you think that you were coming within the law in applying for a license in that way?

Mr. MILLER. Yes, sir.

Senator JONES. You thought you were?

Mr. MILLER. It would be on Fourteenth Street then, I thought; 501 Fourteenth Street.

Senator JONES. Your saloon would be on Fourteenth Street?

Mr. MILLER. Yes, sir.

Senator JONES. You never considered it on Fourteenth Street before that?

Mr. MILLER. No, sir; the entrance was on E Street before that.

Senator JONES. In other words, you consider the entrance to make the saloon?

Mr. MILLER. Well, I think the entrance would be on the street we would be doing business on.

Senator JONES. Of course, the entrance would be; but would that change the entire location of the saloon?

Mr. MILLER. No, sir; it would not change the location of the saloon.

Senator JONES. It did not change the location at all, did it?

Mr. MILLER. It changed——

Senator JONES. It did not change the location at all?

Mr. MILLER. No, sir; it did not change the location of the building, but it changed the location of the street we were doing business on.

Senator JONES. It did not change the location of the saloon?

Mr. MILLER. No, sir; I guess not; not of the building.

Senator JONES. You did not pay anybody any money in connection with getting the license?

Mr. MILLER. No, sir.

Senator JONES. Either directly or indirectly?

Mr. MILLER. No, sir.

Senator JONES. Do you understand that the owner of the property was paying anybody?

Mr. MILLER. No, sir.

Senator JONES. Of course, I am not suggesting that you paid to the board, but did you pay to any attorney or anybody acting for you?

Mr. MILLER. No, sir; we had no one representing us at all.

Senator JONES. Mr. Sullivan was just acting as a sort of a friend?

Mr. MILLER. Well, no; he was looking out for Mr. Heurich's interests, I suppose.

Senator JONES. What is that?

Mr. MILLER. He was looking out for Mr. Heurich's interests, I suppose.

Senator JONES. What interest did Mr. Heurich have there?

Mr. MILLER. He owned the property, I suppose.

Senator JONES. He owned the property where you were running the saloon?

Mr. MILLER. Yes, sir.

Senator JONES. And he thought he could not rent it for any other purpose than that of a saloon?

Mr. MILLER. I suppose he could; yes, sir.

Senator JONES. Who is Mr. Heurich? What business is he in?

Mr. MILLER. He is in the brewery business.

Senator JONES. He is in the brewery business?

Mr. MILLER. Yes, sir.

Senator JONES. What rent do you pay him?

Mr. MILLER. \$450 a month.

Senator JONES. \$450 a month?

Mr. MILLER. Yes, sir.

Senator JONES. For just the lower floor?

Mr. MILLER. Yes.

Senator JONES. A lower room?

Mr. MILLER. Yes, sir.

Senator JONES. Did he put up the money for the license?

Mr. MILLER. Yes, sir.

Senator JONES. He put up the money for your license, too?

Mr. MILLER. Yes, sir.

Senator JONES. And you pay \$450 a month rent?

Mr. MILLER. Yes, sir.

Senator JONES. He furnishes the room and also furnishes the license?

Mr. MILLER. Oh, no. The license was a loan.

Senator JONES. You said he put up the money for it?

Mr. MILLER. Yes; but it was a loan he made.

Senator JONES. It was a loan?

Mr. MILLER. Yes, sir.

Senator JONES. He loaned you that money?

Mr. MILLER. Yes, sir.

Senator JONES. When is that loan to be repaid?

Mr. MILLER. It is being paid now.

Senator JONES. I say, when is it to be repaid?

Mr. MILLER. It is being paid now.

Senator JONES. Being paid monthly?

Mr. MILLER. Yes, sir.

Senator JONES. Have you any property aside from the interest in that saloon?

Mr. MILLER. The estate has; yes, sir.

Senator JONES. What is that?

Mr. MILLER. The estate has some real estate.

Senator JONES. The estate?

Mr. MILLER. Yes, sir.

Senator JONES. But you have not any, personally?

Mr. MILLER. No, sir.

Senator JONES. How long have you had a saloon in that place?

Mr. MILLER. My father was there since February 14, 1910. After his death—

Senator JONES. How much floor space is there in that room occupied by the saloon? How long and how wide is it?

Mr. MILLER. About 30 feet, I guess, by 30-35, probably.

Senator JONES. Is it as wide as it is long?

Mr. MILLER. Yes, sir.

Senator JONES. That is all.

The CHAIRMAN. Did you have any understanding with the excise board before you made the application for license?

Mr. MILLER. Have an understanding?

The CHAIRMAN. Yes.

Mr. MILLER. No, sir.

The CHAIRMAN. Did you not consult with them about whether, if you changed your entrance, your license would be granted?

Mr. MILLER. No; we made the application on the 31st day of October, and our license was refused, and Gen. Smith said that the board was not in session and they could not accept the application at that time, so that we made the application, I think, on the 5th of November, when the board was in session.

The CHAIRMAN. Did you talk with Gen. Smith about it that day?

Mr. MILLER. We saw Gen. Smith and Mr. Baker when we made application.

The CHAIRMAN. Did they tell you that if you changed the entrance around, your application would be granted?

Mr. MILLER. No, sir.

The CHAIRMAN. Did you discuss the matter with them?

Mr. MILLER. No, sir; just merely went over and filed our application; and Gen. Smith said that the board was not in session, and they could not do anything until they were in session.

Senator JONES. When the board was in session, did you have any talk with him about it?

Mr. MILLER. No, sir; just filed the application on the 5th of November.

Senator JONES. When was it acted on?

Mr. MILLER. We got an answer on it on the 21st of November.

Senator JONES. On the 21st of November?

Mr. MILLER. Yes, sir.

Senator JONES. And the day you got the answer you broke out the window there, and made an entrance on Fourteenth Street?

Mr. MILLER. Yes, sir.

The CHAIRMAN. In the meantime, you continued to do business with your entrance on the E Street side?

Mr. MILLER. No, sir; we were closed there.

The CHAIRMAN. You were closed there?

Mr. MILLER. Closed entirely.

Senator JONES. You had your stock still in the room, however?

Mr. MILLER. Yes.

Senator JONES. Where it had been?

Mr. MILLER. Yes.

The CHAIRMAN. Did anybody offer to represent you in getting that license?

Mr. MILLER. No, sir.

Senator JONES. You do not know whether the brewing company paid Mr. Sullivan anything or not?

Mr. MILLER. No; I could not say that. He is an employee over there, anyhow.

Senator JONES. Of the brewing company?

Mr. MILLER. Yes, sir.

The CHAIRMAN. That is all.

TESTIMONY OF EDGAR A. MILLER.

(The witness was sworn by the chairman.)

The CHAIRMAN. Will you state your full name?

Mr. MILLER. Edgar A. Miller.

The CHAIRMAN. Are you one of the Miller Bros.?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Conducting a saloon at 1349 E Street?

Mr. MILLER. 1349 was the original address, on E Street.

The CHAIRMAN. No. 1349?

Mr. MILLER. No. 1349.

The CHAIRMAN. What is your number now?

Mr. MILLER. No. 501 Fourteenth Street.

The CHAIRMAN. When you applied for a license last November, it was declined at first, was it not?

Mr. MILLER. Yes, sir.

The CHAIRMAN. On the ground that there were already three saloons on that side of the block?

Mr. MILLER. There were too many on that side; yes, sir.

The CHAIRMAN. How long did your saloon remain closed before you secured a license?

Mr. MILLER. It was closed on the 31st of October, and we reopened on the 21st of November.

The CHAIRMAN. Did the board have a rule that when a saloon was closed after the license expired, the stock was to be removed within a certain time?

Mr. MILLER. They give you 30 days to remove your stock and close your business up.

The CHAIRMAN. And you got your license in 21 days?

Mr. MILLER. They give 30 days to close out the stock and the business, if you want to.

The CHAIRMAN. If you had not gotten that license, you would have had to get out on the 1st of December?

Mr. MILLER. Yes, and gotten the stock all out.

The CHAIRMAN. I understand you succeeded in getting your license in about 21 days?

Mr. MILLER. In 21 days.

The CHAIRMAN. Did you pay any money to any one to get this?

Mr. MILLER. No, sir.

The CHAIRMAN. Did anybody pay any money for you to get it?

Mr. MILLER. Not that I know of; no, sir. There never was any suggestion of any kind to me, that I know of. I don't think anybody did anything about it.

The CHAIRMAN. Did anybody offer to represent you?

Mr. MILLER. Oh, no; no, sir.

The CHAIRMAN. In 1913, when you got a license, did anybody represent you?

Mr. MILLER. In 1913?

The CHAIRMAN. Yes.

Mr. MILLER. No; we simply made our application for renewal.

The CHAIRMAN. You made your application for renewal, and you had no representative, no attorney or anybody else?

Mr. MILLER. No, sir.

The CHAIRMAN. Did anybody tell you if you moved your entrance from E Street to Fourteenth Street you could get a license?

Mr. MILLER. Nobody told us that if we moved the entrance we would get a license; no, sir.

The CHAIRMAN. What did they tell you?

Mr. MILLER. When we were refused our license on the 31st of October, we were told that there were 297 licenses that had been issued, and Mr. Sullivan had a list of all these saloons that had been granted their licenses, and we understood that the list of granted applications were 297, so that we filed our new application for 501 Fourteenth Street.

The CHAIRMAN. Who suggested that you change your entrance to Fourteenth Street?

Mr. MILLER. Mr. Sullivan was there, and we talked it over.

The CHAIRMAN. Did he say that anybody—

Mr. MILLER. He said there was probably a chance to change our entrance there, and get our license that way.

The CHAIRMAN. That is all, Mr. Miller.

TESTIMONY OF JOHN L. SPRINKLE.

(The witness was sworn by the chairman.)

The CHAIRMAN. Give your full name?

Mr. SPRINKLE. John L. Sprinkle.

The CHAIRMAN. You are a member of the Metropolitan police force?

Mr. SPRINKLE. I am a member of the Metropolitan police department; lieutenant, in charge of the first precinct.

The CHAIRMAN. Is the Grand Hotel in your precinct?

Mr. SPRINKLE. Yes, sir.

The CHAIRMAN. Did you make an examination of the Grand Hotel last year, some time?

Mr. SPRINKLE. A great number of times I was in there.

The CHAIRMAN. Have you been in there recently?

Mr. SPRINKLE. Not for a month, I don't suppose.

The CHAIRMAN. What is the character of that place?

Mr. SPRINKLE. It has been heretofore very objectionable on account of the summer garden run in connection with it, where singing and dancing was permitted, dancing between men and women, and cabaret shows.

The CHAIRMAN. Drinking?

Mr. SPRINKLE. Drinking at tables, yes, sir; and right among these tables was a platform set aside for dancing purposes, where women would get up from the table after drinking and dance there, you know, to songs.

The CHAIRMAN. What was the character of these women?

Mr. SPRINKLE. There were a great many prostitutes—streetwalkers. Once in a while I would see a woman whom I did not know, but I did know a great many. I have been in that district for a great many years, the red light district, and I was personally acquainted with nearly all the public prostitutes, or women who had been public prostitutes.

The CHAIRMAN. And some of these were among those women?

Mr. SPRINKLE. Yes; the majority of the women there were in that class.

The CHAIRMAN. Did you bring this matter to the attention of the excise board?

Mr. SPRINKLE. Yes, sir. I was acting captain at that time and made a report to that effect, and I testified also before the excise board in corroboration of my report.

The CHAIRMAN. Was that in connection with the matter of the hearings on renewal of license?

Mr. SPRINKLE. Yes.

The CHAIRMAN. Last November?

Mr. SPRINKLE. Yes.

The CHAIRMAN. What do you know about the man who runs that place?

Mr. SPRINKLE. In what way?

The CHAIRMAN. Well, as to his personal character.

Mr. SPRINKLE. Personally he is a man of good character. I have known him a great number of years. He has run a bar in that precinct I presume for 25 years. He had a bar at the southwest corner of Fourteenth and Pennsylvania Avenue for a great number of years.

The CHAIRMAN. Was he not convicted of selling liquor to a minor at one time?

Mr. SPRINKLE. You ask at that time. Up to the time he assumed charge of the Grand Hotel I do not think there was anything against his record.

The CHAIRMAN. I see.

Mr. SPRINKLE. But he was convicted of selling to minors, and his license was rejected about four years ago. Then there was some application, in what way I do not know, and he got a license.

The CHAIRMAN. He organized a corporation?

Mr. SPRINKLE. Yes, sir; under the present system he has assumed the majority control of the stock of this corporation and has assumed the managership of the hotel as a result. Of course that is only, in my judgment, a subterfuge.

The CHAIRMAN. Is there not an indictment pending against him now?

Mr. SPRINKLE. There are two cases, I believe, pending against him in the police court for selling to minors.

Senator JONES. That hotel and bar are on Government property?

Mr. SPRINKLE. Yes, sir.

The CHAIRMAN. Is that place run as a regular hotel as well as a barroom?

Mr. SPRINKLE. Yes, sir.

The CHAIRMAN. Do guests come there all the time?

Mr. SPRINKLE. Yes, sir.

The CHAIRMAN. And stop?

Mr. SPRINKLE. Oh, it is a good, large hotel. I presume there are 150 rooms in it.

The CHAIRMAN. Do you know of any disreputable use made of the rooms at any time?

Mr. SPRINKLE. The conduct of the hotel and conduct of the bar proper have always been moral and good enough, but its objectionable feature was in connection with the bar, to which I so seriously objected, and which I think reduces the morality of any neighborhood in the way it was run.

The CHAIRMAN. You made a report over your own signature that it was a resort of people of low character and questionable character?

Mr. SPRINKLE. Yes; from my personal observation; not from reports of subordinates.

The CHAIRMAN. From your own personal observation?

Mr. SPRINKLE. Yes, sir.

Senator JONES. You considered that part run in a very disreputable way, did you not?

Mr. SPRINKLE. Yes, sir.

Senator JONES. And in a very disreputable place?

Mr. SPRINKLE. I think it had a tendency to decrease the morality of the community.

Senator JONES. Very decidedly.

Mr. SPRINKLE. And I did not think it was good public policy to permit such a place to be run.

The CHAIRMAN. That is sufficient. You may be excused.

Mr. SMITH. Mr. Chairman.

The CHAIRMAN. Just a minute, Lieut. Sprinkle.

Mr. SMITH. May I invite the attention of the committee to the testimony of the witness before the board at the hearings? You have that here with the hearings. I just invite your attention to it, Senator.

Senator JONES. Oh, yes; we will examine the record in that case, General.

Mr. SMITH. Thank you.

The CHAIRMAN. Do you know of any other places of disreputable character in that precinct—similar places?

Mr. SPRINKLE. There is one running now at Tenth and E which is as bad as the Grand Hotel ever was, in my judgment.

The CHAIRMAN. What place is that?

Mr. SPRINKLE. The Marks Hotel, at Tenth and E Streets NW.

The CHAIRMAN. What do you know about that?

Mr. SPRINKLE. Well, it is practically the same as the others. The same class of people, to a great extent, frequent it; but it is not such an elaborate place. They are more condensed there, and in fact it makes it really a worse place than the other.

The CHAIRMAN. Was that brought to the attention of the board?

Mr. SPRINKLE. Yes; its appointments are not so elaborate. I do not think there was any controversy at the time, because just prior to the license year ending, this man did conduct his place very good for a few weeks prior to that, and there had not been much record

against it, but soon after his license was granted the place commenced being bad and grew from bad to worse, until now it is the worst place we have in the precinct; and probably almost one-third of the bar-rooms in the District of Columbia are in my precinct.

The CHAIRMAN. In your precinct?

Mr. SPRINKLE. I expect so; yes, sir. I do not know the exact number. That takes in the territory from Seventh to Fifteenth and from B to K Streets NW.

The CHAIRMAN. Do you know of any violations of the Sunday law by these saloons in your precinct?

Mr. SPRINKLE. No; the Sunday law is very well observed, so far as I know. Indeed, I have every reason to believe that the Sunday law is well observed in all the barrooms.

Senator JONES. Do you submit reports to Maj. Sylvester with reference to these saloons in these different places from time to time?

Mr. SPRINKLE. No, sir; only at their applications for renewals each year.

Senator JONES. Then their applications are referred to you?

Mr. SPRINKLE. Yes, sir.

Senator JONES. And reports are made?

Mr. SPRINKLE. We never submit special reports unless there is something extraordinary, much out of the ordinary.

Senator JONES. So that there have been no reports submitted with respect to this Marks place since the license was granted?

Mr. SPRINKLE. No, sir.

The CHAIRMAN. That is sufficient.

TESTIMONY OF LOUIS BUSH.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your full name?

Mr. BUSH. Louis Bush.

The CHAIRMAN. How long have you been a resident of the District of Columbia?

Mr. BUSH. About 23 years.

The CHAIRMAN. From what State did you come here?

Mr. BUSH. From Elmira, N. Y; New York State.

The CHAIRMAN. Were you operating a saloon until October 31 last?

Mr. BUSH. Yes, sir.

The CHAIRMAN. Where?

Mr. BUSH. At 1305 E Street.

The CHAIRMAN. Did you make application for a renewal of your license?

Mr. BUSH. Yes, sir.

The CHAIRMAN. What became of that application?

Mr. BUSH. It was refused.

The CHAIRMAN. Was it at one time accepted before it was finally refused?

Mr. BUSH. That was the talk on the street. That was what I heard. Of course I do not know, but I was informed that it was granted. It was one Mr. Riley who told me. I do not know where he received his information. He is an undertaker. He lives on Capitol Hill, and he met me on the street Thursday morning and he said, "Mr. Bush, your license has been granted." Now, where he

got his information, I do not know. Then I had understood afterwards that it was common talk on the street that my license had been granted. I do not know just who it was that said it, but it was common talk on the street up until Friday night.

The CHAIRMAN. Who represented you in your application?

Mr. BUSH. Julius Peyser was my attorney, and he also had Mr. Sheehy to help him. Mr. Peyser represented me.

The CHAIRMAN. What did you pay him?

Mr. BUSH. I just paid him a small retainer.

The CHAIRMAN. Was there a contingent fee in the event you got the license?

Mr. BUSH. In case I would get my license; yes, sir.

The CHAIRMAN. What was the retainer?

Mr. BUSH. \$250.

The CHAIRMAN. You paid him \$250?

Mr. BUSH. Yes, sir.

The CHAIRMAN. How much were you to pay him in case you got the license?

Mr. BUSH. I was to pay Peyser \$1,000 in case I got my license.

The CHAIRMAN. Was Mr. Sheehy to have a part of that?

Mr. BUSH. I don't know. I suppose it was to be that way.

The CHAIRMAN. You had no arrangement yourself with Mr. Sheehy?

Mr. BUSH. No; I had my arrangement with Mr. Peyser. Mr. Peyser has been representing me for years. He was my attorney.

The CHAIRMAN. Why did you think it was necessary to pay so large a fee as that to get a renewal of your license?

Mr. BUSH. I didn't know it was necessary at all, but Mr. Peyser had always represented me from time to time, and I did not really know that it was necessary. I only thought, on account of the number of saloons in that block, five, that a man had to be represented, that was all.

The CHAIRMAN. Did he say anything to you about the advantage of having Mr. Sheehy in the case?

Mr. BUSH. No; he did not speak of advantage, at all.

The CHAIRMAN. Why did he engage Mr. Sheehy?

Mr. BUSH. I don't know. He never said anything to me. I engaged Mr. Peyser.

Senator JONES. Did you have any talk with him about the size of this fee that you were to pay him?

Mr. BUSH. Nothing only to Mr. Peyser, that is all.

Senator JONES. That is what I mean—to Peyser? Did you not protest that that was a little high for presenting an application to the excise board?

Mr. BUSH. I kind of thought it was, but he said that was his fee, and that is all there was.

Senator JONES. Did he tell you that he had got Mr. Sheehy to help?

Mr. BUSH. He said that Mr. Sheehy would work with him to try to obtain my license. They never guaranteed me anything. They said they would try to get it for me.

Senator JONES. Did he explain why he thought he ought to have Mr. Sheehy help?

Mr. BUSH. I do not remember whether he did or not. I hardly think he did. He just said he would have Mr. Sheehy cooperate with him; that was all.

Senator JONES. You did not ask him why he thought Mr. Sheehy was necessary?

Mr. BUSH. No, sir.

Senator JONES. You paid him \$250?

Mr. BUSH. That was all.

Senator JONES. And then you were to pay him \$1,000 if you got the license?

Mr. BUSH. If I received the license.

The CHAIRMAN. Did you not try to get a transfer to some other place?

Mr. BUSH. Yes; I tried to transfer out of that block to the Evans Building.

The CHAIRMAN. Whom did you speak to about that, on the board?

Mr. BUSH. I spoke to Mr. Sheehy when he was on the board.

The CHAIRMAN. What did he say to you about that?

Mr. BUSH. He said that they would not consider a transfer at the terminal of any street railroad.

The CHAIRMAN. Did any other member of the board talk with you about it?

Mr. BUSH. I think the other members were there; yes, sir.

The CHAIRMAN. They were there at the time?

Mr. BUSH. They were there at the time. Mr. Sheehy was the spokesman.

Senator JONES. Did they seemingly acquiesce in what he said?

Mr. BUSH. Yes, sir.

Senator JONES. Then they afterwards did grant a transfer to that place?

Mr. BUSH. So I understand. There is a barroom there.

The CHAIRMAN. Did you not try to locate at 1421 G Street? Did you not try to get to post there?

Mr. BUSH. At 1421?

The CHAIRMAN. What other place did you apply for?

Mr. BUSH. I don't remember about 1421. I know that I had it in mind, but whether I had ever taken it up with the board or not, I do not remember. I remember having that particular stand in mind. It is now a barroom. I do not remember.

The CHAIRMAN. You remember that place, but do not remember whether you took it up or not?

Mr. BUSH. I remember having it in mind.

The CHAIRMAN. You remember having in mind this place in the Evans Building, also?

Mr. BUSH. Yes, sir.

The CHAIRMAN. Is there a barroom there now?

Mr. BUSH. Yes, sir.

The CHAIRMAN. And they told you—you say Mr. Sheehy told you—that they would not consider a barroom there?

Mr. BUSH. He said they would not consider a bar at the terminal of a street railway; that was a congested region around there, and women were getting off the cars and getting on, and it was too close to the terminus of the Washington, Baltimore & Annapolis Railway,

and also the other street railways. Of course, I had not made application. I went over there and asked them about it, and they would not let me put a card up.

The CHAIRMAN. They would not let you put a card up?

Mr. BUSH. They would not permit me to post it.

The CHAIRMAN. To post notice of your application?

Mr. BUSH. No, sir. Of course, I did not know whether I was going to be the goat or not, or who was going to be the goat; but I wanted to play safe, and I thought that if I could get up in another and better neighborhood I might be safe up there. I do not know why I felt that way. I had been in this particular place where I was refused a license for 21 years.

The CHAIRMAN. You had been there for 21 years?

Mr. BUSH. Yes, sir.

The CHAIRMAN. Had there been any complaints about the manner in which you conducted your business?

Mr. BUSH. No, sir; none. Only I ran a café some years ago, and there seemed to be a general complaint in regard to all cafés at that time; no particular complaint against me, only it was against all cafés.

The CHAIRMAN. Had there been any protests against the renewal of your license?

Mr. BUSH. No, sir; never in those 21 years.

The CHAIRMAN. Had you any police court record?

Mr. BUSH. No, sir; I have never been in police court. I never had an arrest made in my place.

The CHAIRMAN. That is all.

TESTIMONY OF WILLIAM A. ENGEL.

(The witness was sworn by the chairman.)

The CHAIRMAN. Give your full name.

Mr. ENGEL. William A. Engel.

The CHAIRMAN. What is your business?

Mr. ENGEL. I am in the barroom and restaurant business.

The CHAIRMAN. Where are you operating now?

Mr. ENGEL. At 1335 E Street.

The CHAIRMAN. How long have you been operating there?

Mr. ENGEL. A little over four years.

The CHAIRMAN. How long have you been a resident of the District?

Mr. ENGEL. Twenty-six years.

The CHAIRMAN. What were you doing before you went in the business there?

Mr. ENGEL. I was 11 years with the Pabst Brewing Co., of Milwaukee, as manager, and 10 years I was in the hotel business here at New Jersey Avenue and C Street, near the Capitol.

The CHAIRMAN. Did you have any trouble about renewal of your license last November?

Mr. ENGEL. The license was granted to me; that is all I know about that part of it. I did not have any trouble, of course; the license was granted.

The CHAIRMAN. Who was your attorney?

Mr. ENGEL. Mr. Burkhart.

The CHAIRMAN. What did you pay him to represent you?

Mr. ENGEL. I have not paid him anything, and there is no understanding what I will pay him. He is my regular attorney.

The CHAIRMAN. He is your regular attorney, and there is no special fee to be paid him for this work?

Mr. ENGEL. No, sir.

Senator JONES. You understood at the time that your application for renewal had been denied, did you not?

Mr. ENGEL. I only heard talk of it as long as a week or 10 days before the license was granted, that I would be turned down. Everybody expected that somebody had to go, and they were guessing who would be the one. That is as far as I know about it.

Senator JONES. When you heard these remarks that you were likely to be turned down, did you or not confer with your attorney?

Mr. ENGEL. I told Mr. Burkhardt to try his best to show the excise board the reasons why I should get a license.

Senator JONES. Did he not suggest that there should be some influence of some kind brought to bear?

Mr. ENGEL. No; he has never suggested anything like that. He merely told me to talk to my friends, if there was anybody who could do anything for me; I might suggest to my friends that if there was any chance, to show why I should get a license.

Senator JONES. Did you not take it up with the Pabst Brewing Co.?

Mr. ENGEL. No, sir.

Senator JONES. Did you not take it up with their agent?

Mr. ENGEL. I spoke to him many times and expressed the hope that I would get my license.

Senator JONES. You took the matter up with him and told him you understood they were about to reject you, and asked him to do what he could to help you out?

Mr. ENGEL. No; I did not, because I did not know of that.

Senator JONES. But you heard that you were likely to be turned down?

Mr. ENGEL. Well, that was common talk; that was the rumor. Some people came to me and told me that they would bet money I would get it, and others said that I would be rejected.

Senator JONES. Did not that stir him up?

Mr. ENGEL. Yes. Of course he knew I was doing all I could for myself, if there was any chance to do it.

Senator JONES. Who is the agent of the Pabst Brewing Co.?

Mr. ENGEL. Mr. Mentzel.

Senator JONES. Do you not know that he interested himself in the matter?

Mr. ENGEL. I have no doubt that he desired to see me get a license, but what he could do, I do not know.

Senator JONES. Have you talked with him since about it, as to what he did do?

Mr. ENGEL. Oh, yes. Anything he done, I haven't asked him any questions about, because I didn't think he could do anything.

Senator JONES. You really do not want to know what he did, do you?

Mr. ENGEL. If I thought he could, I would ask him.

Senator JONES. You really do not want to know what he did, do you?

Mr. ENGEL. It doesn't matter, because I didn't know there was any trouble, nor I didn't think he could do anything. That was really my place.

Senator JONES. You do not know whether he interested any Members of the House or Senate or not?

Mr. ENGEL. No, sir.

Senator JONES. You have not asked him whether he did or not?

Mr. ENGEL. I have not asked him any questions.

Senator JONES. No; and you are not going to, are you?

Mr. ENGEL. I can not see why I should.

Senator JONES. No; you are not. Do you know whether any Senator or Representative interested himself in your behalf in this matter?

Mr. ENGEL. No, sir.

Senator JONES. And you are not going to try to find that out, are you?

Mr. ENGEL. Why should I?

Senator JONES. You have not talked with your attorney as to what you are to pay him?

Mr. ENGEL. No, sir; I do not expect to pay him any more than what is right and proper; possibly \$50, or \$25 only. I do not know; he might not charge me anything, so far as I know.

Senator JONES. He may charge you three or four thousand dollars?

Mr. ENGEL. He won't. He could not collect it. He knows better.

Senator JONES. Did he have anybody help him?

Mr. ENGEL. That I could not tell.

Senator JONES. Suppose he comes and tells you that he had Mr. Sheehy help him, and that was the only way he could get that license renewed, and that he had to pay him; you will pay him, will you not? You will make good his agreement?

Mr. ENGEL. I think my attorney stands on his own feet.

Senator JONES. I say, you will make good any agreement that he made with reference to getting your license renewed, will you not?

Mr. ENGEL. Oh, no; I would like to be asked, first, about that part.

Senator JONES. You have not paid anything, you have not agreed to pay anything, and you do not know what you are going to pay?

Mr. ENGEL. No, sir.

Senator JONES. That is all.

Mr. ENGEL. Because I was not able to pay anything, on account of the conditions of business; so that my attorney has not given me any bill, and I expect a very small one.

Senator JONES. It is pretty good notice to him, anyway.

TESTIMONY OF MICHAEL P. FITZSIMMONS.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your full name?

Mr. FITZSIMMONS. Michael P. Fitzsimmons.

The CHAIRMAN. What is your business?

Mr. FITZSIMMONS. Tailor.

The CHAIRMAN. You recall the application of Thomas Raftery for a saloon license?

Mr. FITZSIMMONS. Yes.

The CHAIRMAN. He wanted a license in the block where you did business?

Mr. FITZSIMMONS. In the store where I was.

The CHAIRMAN. In the store where you did business?

Mr. FITZSIMMONS. Yes.

The CHAIRMAN. State what took place between you and him.

Mr. FITZSIMMONS. He brought a representative from Shannon & Luchs to my place, Mr. Rose, and he finally agreed to take the place. I had no lease on this store, but it was about March 12 or 15, somewhere between those dates, that he came there, and I had opened the store in the dull season, the latter part of November, and I had not had a chance to get any business in that season, so that I asked Mr. Raftery if he would consent to my remaining through the season to give me a chance to do some business during the busy season, and I said I would be willing to vacate at that time.

The CHAIRMAN. When was that?

Mr. FITZSIMMONS. About March 15.

The CHAIRMAN. Of last year?

Mr. FITZSIMMONS. 1914.

The CHAIRMAN. You had a lease on this store, or did you own it?

Mr. FITZSIMMONS. I did not have any lease on it.

The CHAIRMAN. Did you own the place?

Mr. FITZSIMMONS. No; I was only a tenant.

The CHAIRMAN. You were there just as a tenant at will?

Mr. FITZSIMMONS. As a monthly tenant.

The CHAIRMAN. A monthly tenant?

Mr. FITZSIMMONS. Yes, sir; so that he agreed to let me remain until July 15, or perhaps August 1, and I went up to the excise board to find out what conditions were imposed, having heard that such was not the case and I would not be permitted to stay.

The CHAIRMAN. Had he posted a notice there that he was going to make application for license?

Mr. FITZSIMMONS. Yes, sir; at that time, the day before I went up to the excise board. Mr. Sheehy was then a member of the board. I saw him, and he stated that even though I was only a monthly tenant I had certain property rights, and he advised me to consult an attorney; and the attorney advised me to take the sign down, so that I did take it down. The same afternoon Mr. Rose and Mr. Raftery came to my store and wanted to know what was the trouble, and so forth. I told them. I explained to them that I felt the conditions were not as he had expected; that the board would expect them to show some activity within a reasonable time.

The CHAIRMAN. Had any protests been made in regard to that saloon at that time?

Mr. FITZSIMMONS. Yes; I had started one the day previous.

The CHAIRMAN. You started one?

Mr. FITZSIMMONS. Yes.

The CHAIRMAN. In your block?

Mr. FITZSIMMONS. Yes.

The CHAIRMAN. All right.

Mr. FITZSIMMONS. I explained to Rose and Raftery. Mr. Rose was the representative of Shannon & Luchs, real estate brokers. I explained that if I was going to move, I was going to move within the next two weeks, and that I was going to try and beat his license; and

if I was going to move he had to pay the expense of my moving, which he agreed to do, \$100 payment at once and \$100 additional upon the transfer. The proposition did not bother me any, because the following day I rented a store on North Capitol Street.

The CHAIRMAN. Were you to destroy these protests as a part of your agreement?

Mr. FITZSIMMONS. As part of the agreement? No, sir.

The CHAIRMAN. Did you destroy the protests?

Mr. FITZSIMMONS. I did destroy them the day I was given the \$100.

The CHAIRMAN. How many names were on that paper?

Mr. FITZSIMMONS. About 12.

The CHAIRMAN. Were they residents on that block?

Mr. FITZSIMMONS. Property owners.

The CHAIRMAN. Property owners?

Mr. FITZSIMMONS. Yes.

The CHAIRMAN. Go ahead.

Mr. FITZSIMMONS. The following day Mr. Raftery came in the store and gave me a paper.

The CHAIRMAN. Had Raftery seen those protests?

Mr. FITZSIMMONS. Yes. They were destroyed in his presence.

The CHAIRMAN. Had he seen them before he offered you the \$100?

Mr. FITZSIMMONS. No, sir; the protests had nothing to do with the receipt of the \$100. I beg to say to you, Mr. Chairman, that this agreement was drawn in the office of Shannon & Luchs, and was to take effect on demand, and it was that I would enter no further protests, and to vacate at the time I told him I would, because I rented that store on North Capitol Street and got out at once.

But Mr. Raftery brought me that paper the following day to my store, and said that Mr. Keane had sent this paper to me, so I opened up the paper and read it.

The CHAIRMAN. What Keane was that?

Mr. FITZSIMMONS. Michael Keane, a lawyer.

The CHAIRMAN. Proceed.

Mr. FITZSIMMONS. So that I opened that paper and read it, and I said, "I can not understand why he sent me this." I said, "This protest is stronger than the one I had given me by the Anti-Saloon League for my first protest."

The CHAIRMAN. Mr. Raftery gave you that protest?

Mr. FITZSIMMONS. He gave me this paper.

The CHAIRMAN. What did he tell you to do with it?

Mr. FITZSIMMONS. I said, "What does Mr. Keane want me to do?" He said "He wants you to get some names on it." I opened it up and read it more carefully, and it was even stronger than the protest that I had originally started; so that I told him to meet me in the office of Mr. Keane the following morning, and I would see what object he had in view in this protest. I went to the office of Mr. Keane the following morning, and he said to me "I want you to keep this protest alive, so that no other protest will be started up by anyone else in the neighborhood, and keep it alive until a couple of days before the hearing, and then turn it over to Mr. Raftery or me."

The CHAIRMAN. Mr. Keane said that to you?

Mr. FITZSIMMONS. Yes, sir. I had known Mr. Keane a number of years, and I said to him "Mike, I will not do it, but I will have it done for you;" but I unfortunately consented to do it, and did do it,

and turned that second protest over to Mr. Raftery before the hearing.

The CHAIRMAN. Two or three days before the hearing?

Mr. FITZSIMMONS. Perhaps two or three days before. There were about 15 names on it.

I should like to say in regard to No. 406, which is the number of the original place where the application had been made for, that having gone into the matter to some extent myself, I know that it would have cost Mr. Raftery \$14,000 or \$15,000 to get into No. 406, and the second application, that for No. 420, was at the corner of Fifth and H Streets, and that was a very desirable place, a good place. It was a good move on the part of the attorney, excepting that in changing from No. 406 to No. 420 he made the charge before the excise board that I was a holdup man.

The CHAIRMAN. Who made that charge?

Mr. FITZSIMMONS. Michael Keane; and also before the excise board he asserted that I was a clubfooted liar in my testimony. This was after I left the stand.

The CHAIRMAN. On the stand you had related what you have related here?

Mr. FITZSIMMONS. Just as I am telling it to you.

The CHAIRMAN. And then Mr. Keane took the stand and said that you were a liar?

Mr. FITZSIMMONS. A clubfooted liar.

The CHAIRMAN. Yes.

Mr. FITZSIMMONS. The license for No. 420 had been rejected. The expenditure for No. 420, at the corner of Fifth and H streets, was to be only \$3,200, and in order to get into No. 406 it would cost him anywhere from \$14,000 to \$15,000. Mr. Raftery broke the agreement with the owner of the property. He had agreed to buy the property for \$7,000, feeling that he would be able to get his transfer to No. 420; so that when he came back to No. 420, the landlord raised the price of the property from \$7,000 to \$8,500, which Mr. Raftery was obliged to pay.

Mr. Keane has made this charge before the excise board, which should be a matter of record, and I beg to be rather forceful in the assertion that I am not a clubfooted liar, and if there is any liar in the case, it is Mr. Keane.

The CHAIRMAN. Why did you say it would cost him \$14,000 or \$15,000 to get in there?

Mr. FITZSIMMONS. He would have to pay \$7,000 for the property, and according to the plans submitted by the architect, there would be \$4,900 for the improvements. He had to transform the entire place, to dig a cellar, and so on. He had to get all the bar fixtures. There is \$12,000 right off the reel, before he even started to furnish the place.

The CHAIRMAN. And he was to get a transfer for only a small part of a license year, was he not?

Mr. FITZSIMMONS. What do you say?

The CHAIRMAN. He was to get a transfer only for the balance of the license year; or was this at the end of the license year?

Mr. FITZSIMMONS. At the end of the year.

The CHAIRMAN. At the end of the license year?

Mr. FITZSIMMONS. At the end of the year.

The CHAIRMAN. It was a transfer, was it not?

Mr. FITZSIMMONS. Yes, sir.

The CHAIRMAN. Do you know anything about what his attorney's fees were?

Mr. FITZSIMMONS. I have not the slightest idea, excepting on the outstart—mind you, now, up to my receiving this \$100 deposit for vacating on demand, there was no attorney had been brought into the case at all. This matter had been gone over with Mr. Rose, the representative of Shannon & Luchs, and it was not until this incident had been entirely closed that Mr. Keane was brought into the case, or at least so far as my connection with the case was concerned; and Mr. Raftery had told me that Mr. Keane was his attorney, and one of the saloon keepers in the neighborhood asked me the question who his attorney was, and I told him what Raftery had told me, and he said that he would bet me \$50 to \$10 that Keane was not his attorney.

The CHAIRMAN. Were some of these names on the first protest you got out the same as those on the second?

Mr. FITZSIMMONS. No, sir.

The CHAIRMAN. Were they entirely different names?

Mr. FITZSIMMONS. Yes, sir.

The CHAIRMAN. But they were the names of property owners in the block?

Mr. FITZSIMMONS. I had every property owner in the block except those who kept a saloon or owned the property.

The CHAIRMAN. On the original protest?

Mr. FITZSIMMONS. On the original protest. The Brahler estate owned two pieces of property, and Mr. Webber ran a grocery store there and he owned two pieces of property. With the exception of that, I had every property owner, with the exception of Mr. Sturgis.

The CHAIRMAN. When this second protest was brought to you from Mr. Keane, what names were put on it?

Mr. FITZSIMMONS. I really could not recall. I gave the protest to a young man by the name of James Loeffler and told him to get the names. I told him he could go up on Fifth Street and just go in one or two houses each day.

The CHAIRMAN. Did Mr. Loeffler know that Raftery wanted that protest circulated?

Mr. FITZSIMMONS. Yes, sir.

The CHAIRMAN. He did not tell the protestants, however, did he?

Mr. FITZSIMMONS. No, sir. In fact, all the names he secured, practically, were those of women, anyway. He got the property owners, the same as I did in the original protest.

The CHAIRMAN. Did it have the result of keeping down other protests.

Mr. FITZSIMMONS. There was no protest.

The CHAIRMAN. Aside from that one?

Mr. FITZSIMMONS. There was none at all against Raftery. The second protest I had given to Raftery had never been uncovered at all.

The CHAIRMAN. I know that was not presented, but did it not have the effect of keeping others from being circulated?

Mr. FITZSIMMONS. I presume it did, in view of the character of the neighborhood, with which I was thoroughly acquainted for the past 20 years.

Senator JONES. These facts were brought out before the board?

Mr. FITZSIMMONS. Yes, sir.

Senator JONES. You never heard Mr. Raftery say anything about what he expected to pay his attorney?

Mr. FITZSIMMONS. Yes; he told me that Keane expected \$500; but he said that he was going to get someone else who was going to do it for \$250.

Senator JONES. That is, Raftery said he was going to get somebody else?

Mr. FITZSIMMONS. Yes, sir.

Senator JONES. Who would do it for \$250?

Mr. FITZSIMMONS. Yes, sir. Of course Mr. Keane was really his attorney; and in the last case in connection with Mr. Sheehy.

Senator JONES. In the last case in connection with Mr. Sheehy?

Mr. FITZSIMMONS. Yes.

Senator JONES. He did not tell you he was getting Sheehy for \$250, did he?

Mr. FITZSIMMONS. No, sir.

Senator JONES. He did not indicate what he was paying him?

Mr. FITZSIMMONS. No, sir.

The CHAIRMAN. That is all, unless you want to make some further statement.

Mr. FITZSIMMONS. No, nothing other than that I desire to impress on the committee that the charge Mr. Keane made before the excise board, which is or should be a matter of record, is entirely untruthful.

Senator JONES. Yes. We are not going to investigate that.

Mr. FITZSIMMONS. I just wanted to say that.

The CHAIRMAN. Take the stand again, please. I want to ask you something else. Did you testify at two hearings before the board?

Mr. FITZSIMMONS. Only one hearing. I asked for a personal hearing at first, a private hearing, and it was not a private hearing, the full board was there and I was there with my attorney, when I understood that Mr. Keane had made a charge that I was a hold-up man, and I appealed to the board.

The CHAIRMAN. Was that relative to No. 420 or No. 406, that he made that charge?

Mr. FITZSIMMONS. This was just in the interim between trying to get the second transfer from No. 406 to No. 420, that Mr. Keane made the charge that he did before the excise board, my attorney, Mr. Clark, being present at the time. He charged me with being a hold-up man in connection with my getting this amount of money to vacate on demand.

The CHAIRMAN. Where was the place which you had offered to vacate?

Mr. FITZSIMMONS. No. 406.

The CHAIRMAN. You were at No. 406?

Mr. FITZSIMMONS. Yes, sir.

The CHAIRMAN. After you had vacated that place he got a license at No. 406, or was that declined?

Mr. FITZSIMMONS. That was granted.

The CHAIRMAN. That was granted?

Mr. FITZSIMMONS. Yes, sir.

The CHAIRMAN. Afterwards he tried to transfer to No. 420?

Mr. FITZSIMMONS. To No. 420.

The CHAIRMAN. What happened to that application?

Mr. FITZSIMMONS. It was refused, and afterwards No. 406 was restored to him by the excise board, on his original application.

The CHAIRMAN. Why was it that he did not begin to do business at No. 406 when he got his license there? Did he not have some trouble about getting the property?

Mr. FITZSIMMONS. No; he broke his agreement with the owner of the property. He was to pay the first installment within 60 days after the filing of the agreement, and I am only stating what I heard, only I do know that he failed to come through with his first payment within the required time, and the landlord broke the agreement with him, and then raised the price of the property after he came back the second time. He broke the agreement with the landlord.

The CHAIRMAN. You testified then on No. 420?

Mr. FITZSIMMONS. No. 420.

The CHAIRMAN. And that application was declined?

Mr. FITZSIMMONS. That application was declined; yes, sir.

The CHAIRMAN. In the meantime, however, he had made his arrangements with the landlord at No. 406, and they gave him a license there?

Mr. FITZSIMMONS. Yes, sir; the landlord increasing the price of the property \$1,500—from \$7,000 to \$8,500.

The CHAIRMAN. Gen. Smith, the records in both of these Raftery cases are here, are they not?

Mr. SMITH. Yes, sir.

TESTIMONY OF JEREMIAH COSTELLO.

(The witness was sworn by the chairman.)

The CHAIRMAN. Mr. Costello, state your full name?

Mr. COSTELLO. Jeremiah Costello.

The CHAIRMAN. What business are you in?

Mr. COSTELLO. Barroom business.

The CHAIRMAN. Where is your place of business?

Mr. COSTELLO. No. 521 First Street SW.

The CHAIRMAN. How long have you been doing business there?

Mr. COSTELLO. Since last June.

The CHAIRMAN. Did you get a license last June?

Mr. COSTELLO. Yes, sir.

The CHAIRMAN. And you got your renewal last November?

Mr. COSTELLO. Yes, sir.

The CHAIRMAN. Who represented you in getting your license?

Mr. COSTELLO. Mr. Alexander H. Bell.

The CHAIRMAN. What did you pay him?

Mr. COSTELLO. I paid him \$300 for that and some more business. Mr. Bell has been our attorney for years, and with that and some more business that he transacted, and which I paid him for at the same time, I paid him \$300.

The CHAIRMAN. Did you pay him anything in November for getting the renewal?

Mr. COSTELLO. \$100 in November.

The CHAIRMAN. How far are you from the nearest church?

Mr. COSTELLO. About a thousand feet.

The CHAIRMAN. How far?

Mr. COSTELLO. About 1,000 feet.

The CHAIRMAN. What church is that?

Mr. COSTELLO. I do not know. There is one church down there about three squares away, called the Friendship Baptist Church.

The CHAIRMAN. Is it not the St. John's Baptist Church?

Mr. COSTELLO. Not that I know of. I can't see any down there. There were a church there that were in a Sanitary grocery store about a week or so. I think he went out the back way, which he didn't pay no rent.

The CHAIRMAN. You think there was a church there for a while?

Mr. COSTELLO. There were a church there about a week or so; it was in a room 10 by 12. It was formerly a grocery store.

The CHAIRMAN. That was within 400 feet of you, was it not?

Mr. COSTELLO. Of my place now?

The CHAIRMAN. Yes.

Mr. COSTELLO. Yes; that was right across the street.

The CHAIRMAN. But you say that is no longer there?

Mr. COSTELLO. No; that wasn't there three weeks. He didn't have no congregation or anything.

The CHAIRMAN. Was it there when you applied for a license?

Mr. COSTELLO. He came there and I didn't know he was there. I didn't know there was any church. Not when I applied for a license he wasn't there.

The CHAIRMAN. And you did not know it was there?

Mr. COSTELLO. There wasn't any sign or anything. All I see was he walked over there with a little pasteboard sign—St. John's Baptist Church. They didn't even have chairs in there. I would like for you to come down there and see the building that church was in.

The CHAIRMAN. We will. You found afterwards that they were there, when you applied for the license?

Mr. COSTELLO. Yes; they were there when I applied for the license. They went out in two weeks, though.

The CHAIRMAN. Did they protest against your license?

Mr. COSTELLO. Not as I know of. There wasn't but one protest, and that was from some colored gentleman down there—a colored man.

The CHAIRMAN. Are there any inhabited alleys around your place?

Mr. COSTELLO. There is an alley right there near me. It is not inhabited, though. There is only one resident in it.

The CHAIRMAN. How far is it from the entrance to your barroom to the entrance to Ellison's Court?

Mr. COSTELLO. Ellison's Court?

The CHAIRMAN. Yes; that is an alley there?

Mr. COSTELLO. That is, I judge, about 25 feet.

The CHAIRMAN. Is there another alley there called Brown's Court?

Mr. COSTELLO. Yes.

The CHAIRMAN. How far is that from the entrance of that alley to your saloon?

Mr. COSTELLO. I judge it is about 300 and some feet.

The CHAIRMAN. I mean from your entrance to the entrance to that court?

Mr. COSTELLO. Brown's Court is an alley that has four entrances to it.

The CHAIRMAN. How far is it to the nearest entrance to you?

Mr. COSTELLO. I judge that it is about 300 feet—over 300 feet.

The CHAIRMAN. How much did it cost you to arrange to start your bar there?

Mr. COSTELLO. What do you mean—the new bar?

The CHAIRMAN. Yes.

Mr. COSTELLO. It stood me in the neighborhood of about \$12,000; between \$12,000 and \$15,000.

The CHAIRMAN. What were the items in that expenditure?

Mr. COSTELLO. What do you mean?

The CHAIRMAN. I mean, what did you spend it for?

Mr. COSTELLO. The property and the building I put up there.

The CHAIRMAN. And the fixtures?

Mr. COSTELLO. Yes; I bought fixtures.

The CHAIRMAN. Did you construct the building?

Mr. COSTELLO. Yes, sir.

The CHAIRMAN. It cost you between \$12,000 and \$15,000?

Mr. COSTELLO. Yes; between \$12,000 and \$15,000.

The CHAIRMAN. Did you make this expenditure before you made application for your license?

Mr. COSTELLO. Yes, sir.

The CHAIRMAN. Did you have any assurance that you would get your license?

Mr. COSTELLO. I did not; none in the least.

The CHAIRMAN. You took the chance?

Mr. COSTELLO. Yes; I went in business a few years before and paid a pretty big price for the place I was in, and I was just getting square, and I thought I had just as well take another chance.

The CHAIRMAN. Did it cost you something to create some other businesses on your side of the block?

Mr. COSTELLO. The business was all in the one building. I have got two buildings of my own there.

The CHAIRMAN. Is that all there is on that block—your property?

Mr. COSTELLO. No, sir; there is my property, and a drug store on the corner.

The CHAIRMAN. Did you have to convert any residence property into business property?

Mr. COSTELLO. Any other residence, you mean?

The CHAIRMAN. Any other residence property on that block into business property?

Mr. COSTELLO. No; only my own.

The CHAIRMAN. How long had you owned that?

Mr. COSTELLO. Just previous to the law, about two or three months before, sometime last year, I bought it.

The CHAIRMAN. You bought practically all the property, then, in the block besides the drug store?

Mr. COSTELLO. Yes.

The CHAIRMAN. What did that property consist of when you bought it—residences?

Mr. COSTELLO. Two little frame houses.

The CHAIRMAN. Two little frame houses?

Mr. COSTELLO. Yes, sir.

The CHAIRMAN. What were they used for, residences—on F Street?

Mr. COSTELLO. My business is on First Street.

The CHAIRMAN. They are all dwellings on F Street, are they not, except one or two?

Mr. COSTELLO. No; there are shoe stores, and a feed store, and an oyster house and all.

The CHAIRMAN. They are mostly dwellings?

Mr. COSTELLO. Yes; mostly.

The CHAIRMAN. And on this side on which you are located there were two frame residences when you bought the property?

Mr. COSTELLO. On F Street, facing F Street.

The CHAIRMAN. What was on the side of the street you are on?

Mr. COSTELLO. There wasn't nothing there.

The CHAIRMAN. Nothing at all?

Mr. COSTELLO. Nothing at all; no, sir.

The CHAIRMAN. Just a blank space there?

Mr. COSTELLO. Just a fence along from the two frame residences.

The CHAIRMAN. And you built that up with a bar and business property?

Mr. COSTELLO. Yes, sir.

The CHAIRMAN. Is that largely a colored neighborhood?

Mr. COSTELLO. Yes, sir.

The CHAIRMAN. That is sufficient.

TESTIMONY OF PETER J. LYNAGH.

(The witness was sworn by the chairman.)

Senator THOMPSON. Where do you live?

Mr. LYNAGH. 503 Seventh Street SW.

Senator THOMPSON. What is your business?

Mr. LYNAGH. Saloon business.

Senator THOMPSON. You run a saloon there at No. 503, do you?

Mr. LYNAGH. Yes, sir.

Senator THOMPSON. When did you locate there? Did you go there by transfer?

Mr. LYNAGH. By transfer; yes, sir.

Senator THOMPSON. In what place were you operating before?

Mr. LYNAGH. At No. 1200 Third Street SW.

Senator THOMPSON. When did you make this transfer?

Mr. LYNAGH. In the month of July.

Senator THOMPSON. Last year?

Mr. LYNAGH. Yes.

Senator THOMPSON. Whom, if anyone, did you employ to look after it for you?

Mr. LYNAGH. For the transfer?

Senator THOMPSON. Yes.

Mr. LYNAGH. Mr. Sheehy.

Senator THOMPSON. What fee, if any, did you pay for that?

Mr. LYNAGH. A small retaining fee which he asked for, for to start the transfer.

Senator THOMPSON. To start it?

Mr. LYNAGH. Yes, sir.

Senator THOMPSON. How much was it?

Mr. LYNAGH. \$100.

Senator THOMPSON. Then did he effect the transfer; did he bring it about finally?

Mr. LYNAGH. Not at that time.

Senator THOMPSON. Did you have any other relations with him later on in the summer relative to it?

Mr. LYNAGH. No, sir.

Senator THOMPSON. That is all he did, is it?

Mr. LYNAGH. That is all he did; yes, sir.

Senator THOMPSON. And did you have an understanding with Mr. Sheehy that you were to pay something more if you got the transfer?

Mr. LYNAGH. Why, yes; sure.

Senator THOMPSON. How much more?

Mr. LYNAGH. \$1,000.

Senator THOMPSON. \$1,000 more?

Mr. LYNAGH. Yes, sir.

Senator THOMPSON. \$100 retainer and \$1,000 more?

Mr. LYNAGH. Yes, sir; exactly.

Senator THOMPSON. You paid that?

Mr. LYNAGH. I did, sir.

Senator THOMPSON. Did he give any explanation as to why it was necessary to charge such a fee as that?

Mr. LYNAGH. No, sir.

Senator THOMPSON. You did not ask him any questions?

Mr. LYNAGH. No, sir.

Senator THOMPSON. Did I understand you to say that you had paid the \$1,000?

Mr. LYNAGH. When I got the transfer; yes, sir.

Senator THOMPSON. That is what I thought.

Mr. LYNAGH. Yes, sir.

Senator THOMPSON. Are you in what is known as a residential neighborhood?

Mr. LYNAGH. No, sir.

Senator THOMPSON. Did you make any preparation, before moving there, contemplating this transfer?

Mr. LYNAGH. From the old place?

Senator THOMPSON. Yes.

Mr. LYNAGH. Yes, sir; I did.

Senator THOMPSON. What expense did you go to, or what did you do?

Mr. LYNAGH. There was a two-story confectionery there, and I bought the building. Then I applied for the transfer.

Senator THOMPSON. At about what expense was that?

Mr. LYNAGH. Well, \$8,000 or \$9,000.

Senator THOMPSON. \$8,000 or \$9,000?

Mr. LYNAGH. Yes.

Senator THOMPSON. Did you have any intimation from anyone that you could get a transfer to that place before?

Mr. LYNAGH. No, sir; I had not.

Senator THOMPSON. Is it on a business street?

Mr. LYNAGH. Yes.

Senator THOMPSON. Did you buy any other business along there?

Mr. LYNAGH. No, sir.

Senator THOMPSON. Any other business establishment?

Mr. LYNAGH. No, sir.

Senator JONES. Did you buy any other place there and start a business in it?

Mr. LYNAGH. No, sir; I did not. They were already there.

Senator JONES. What is that?

Mr. LYNAGH. They were already there; all business there.

Senator JONES. Is the entire front of that block occupied for business purposes?

Mr. LYNAGH. Yes; from east to west, on that block.

Senator JONES. On the other block, what are they?

Mr. LYNAGH. There are only about two or three private houses.

Senator JONES. All the rest are business places?

Mr. LYNAGH. All the rest are stores; yes, sir.

Senator THOMPSON. Did you not regard a fee of \$1,000 as a little extravagant for a service of that kind?

Mr. LYNAGH. I don't think so, sir.

Senator THOMPSON. You did not?

Mr. LYNAGH. No, sir.

Senator THOMPSON. Did you ask him why it was necessary to pay a fee of that enormous amount?

Mr. LYNAGH. No; I did not. I was being put out of a home at the old place, and I thought it was reasonable enough, when I was put out of a home at the old place.

Senator THOMPSON. Did he say anything as to why it was necessary for you to pay him that money?

Mr. LYNAGH. No, sir; he did not. I had no conversation with him at all.

Senator JONES. In your business a matter of a few hundred dollars does not amount to anything in accomplishing your purpose, does it?

Mr. LYNAGH. Well, no, sir.

The CHAIRMAN. The board has stated, Mr. Lynagh, that they do not consider an attorney necessary in those matters; that a man would stand as good a chance with them, or a better chance without an attorney than with one.

Senator JONES. You have always found it better to have an attorney in those matters, have you not?

Mr. LYNAGH. I found it necessary to have an attorney. There was a protest against me—a number of ladies and gentlemen made a protest—and I got Mr. Sheehy to defend me. He was chairman of the board before, and knew how things were done.

Senator JONES. You thought the fact that he had been the chairman of the board gave him greater influence?

Mr. LYNAGH. He knew the ins and outs, and how to talk better than I did, and that was all.

Senator THOMPSON. Was there a full hearing before the board?

Mr. LYNAGH. How is that?

Senator THOMPSON. Was there a hearing before a board on this transfer?

Mr. LYNAGH. There was; yes, sir.

Senator THOMPSON. Was testimony introduced on both sides?

Mr. LYNAGH. On both sides?

Senator THOMPSON. For and against?

Mr. LYNAGH. Yes, sir.

Senator THOMPSON. Mr. Hart, have we the hearing in the Lynagh case here.

Mr. HART. I do not think you asked for that, Senator.

Senator THOMPSON. We should like to have it.

Mr. HART. I will have it here this afternoon.

Mr. SMITH. Mr. Chairman, do you want the transfer and the application for renewal?

The CHAIRMAN. Yes.

Senator THOMPSON. If you please.

Mr. SMITH. Yes, sir.

The CHAIRMAN. We will take a recess at this point. The witnesses who have testified are all excused. Their attendance will not be required unless they are called again. There is no necessity for them to return this afternoon.

(After informal discussion for several minutes, the committee resumed its session.)

TESTIMONY OF REV. GEORGE A. MILLER.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your calling?

Mr. MILLER. I am pastor of the Ninth Street Christian Church at Ninth and D Streets NE.

The CHAIRMAN. Is there a saloon located in your vicinity?

Mr. MILLER. Yes; there are two. One is three blocks in one direction and the other is about two and a half blocks—less than two blocks—in another direction. That is purely a residential section. While there are a few little corner stores, it is a residential section. These two saloons were granted renewal of license there.

The CHAIRMAN. Over protests?

Mr. MILLER. Yes, sir; both were protested. The first one is on the corner of Eleventh and C Streets NE., and is kept by Mr. Raftery, and there was a protest of that. Of the four blocks cornering there, we had, I judge, 75 per cent of all the residents who protested against the renewal of the license. The saloon faces on C Street and on Eleventh Street both. C Street is purely residential; only one grocery on the opposite corner, so that they closed up the entrance to the saloon which was the principal entrance on C Street, and left the one open on Eleventh Street. Now, Eleventh Street had but one little Chinese laundry, and there is an empty grocery store on Eleventh Street between B and C Streets. Mr. Raftery bought a residence—to understand it, there is a street coming in between B and C, from Eleventh to Twelfth—Park Place—and on that, on Park Place, there are 37 residences. He bought one of these residences, that sided on Eleventh Street and faced on Park Place. He did not change the residence a particle, but he dug up the cellar and put a barber shop in there. Then he built back of his saloon two little one-story buildings on a vacant lot that came back to the alley, and thus made what he called, and what the excise board called, a business block by doing that; not getting rid of a single residence, for when he bought, the people lived there just as they did before, and the entrance is just the same as it was before, and all.

On those four squares that come to a point there, there are 201 residences. I might vary one or two in the count, but there are 201 residences and there is one church. My church is three blocks from there, and there are, all told, 14 places of business in those four blocks.

Three of these he made himself, and those are little one-story corner places, and I think with a residence over every one of them; and yet they declared that a business block.

The CHAIRMAN. Were these facts brought to the attention of the excise board?

Mr. MILLER. Yes, these facts were all brought there; and the place itself is of a very questionable character, and the people have protested against it.

Senator THOMPSON. Did they, at the time?

Mr. MILLER. We presented these protests. We presented a blue print showing this block, and that it was a residential section. They came out and measured it, and facing on B Street, siding along Eleventh Street, is a drug store. That is parked off with a fence and a gate, and leads into the residence that is over the drug store. There is no way to get into the drug store from Eleventh Street. This is on the B Street entrance. But they counted all that parking and all that side of Eleventh Street as business property, and thus made out their 50 per cent of business property on that side of the square. They counted the side of this little barber shop, and the whole side of that residence, as business property, leaving the residence just where it was, and cutting out a hole there and making a barber shop that he himself bought.

Senator THOMPSON. You say it is a place of questionable character. In what respect is it questionable?

Mr. MILLER. There are a great many colored and white people there, and there has been trouble there, although the police, I think, did not report any. But one policeman told me it was impossible for him to report, because he would lose his job if he did.

Senator THOMPSON. Who was that?

Mr. MILLER. No.

Senator THOMPSON. Do you not want to give his name?

Mr. MILLER. No, I would not do that. He might lose his job if I did.

Senator THOMPSON. I do not think he would lose his job on account of that.

Mr. MILLER. Now, that is in a residential section. We have a church there with 1,300 members. My church is within three blocks.

Senator THOMPSON. What church is that?

Mr. MILLER. The Ninth Street Christian Church. We have over 1,000 in the Sunday School, within three blocks, and yet that does not amount to anything!

The CHAIRMAN. You mean that your membership is largely within those blocks?

Mr. MILLER. No; but I mean that the church is located within three blocks of the saloon.

The CHAIRMAN. Yes.

Mr. MILLER. And of course there are a good many of them within that limit, because it is right in the neighborhood and right in that section.

Senator THOMPSON. Your claim is that it is a residential section?

Mr. MILLER. A purely residential section.

The CHAIRMAN. And that the block is not in any sense a business block?

Mr. MILLER. No, sir. The only business on that block when the law went into effect was a little Chinese laundry on the back of a lot

that faces on Park Place, and an empty grocery store with a residence over it.

The CHAIRMAN. Do you remember Patrick Raftery's saloon?

Mr. MILLER. Yes, sir.

Senator THOMPSON. Do you know the number of his saloon?

Mr. MILLER. It is at Eleventh and C Streets NE., facing on Eleventh Street. He closed up the C Street entrance.

The CHAIRMAN. Did you have another saloon in mind?

Mr. MILLER. That is something I want to bring to your attention, also. Two blocks in the opposite direction from my church is Mr. Hettinger's saloon, a saloon of a very good character so far as character goes. Mr. Hettinger is in a point between D and E Streets. Maryland Avenue runs through there. Mr. Hettinger's place faces on Eighth Street and has a side. He had a saloon and a restaurant connected with it, and they did the cooking in the back part there, and served there. When this law went into effect he put a partition in there and partitioned off the saloon from the restaurant. The excise board decided that that was a block. There was nothing else in there but those two, but they decided that that was a block from E Street over to Maryland Avenue, and granted him a license. If they had taken it from D to E Streets, there would have been no license, because the rest is all residences. But the point I want to make is that in the other case, of Raftery, whereas Park Place comes in, a street of 37 residences, they did not count from C Street to Park Place a block, but they said "The block is from C to D," and made out the 50 per cent. If they had counted the other way, they would not have had the 50 per cent from Park Place. I do not understand some things.

The CHAIRMAN. What is Hettinger's number?

Mr. MILLER. It is at Eighth and Maryland Avenue. I do not know exactly the number. It faces on Eighth Street, and it is at Eighth and Maryland Avenue.

The CHAIRMAN. We are very glad to have your statement, Doctor. Is there anything else you wish to offer? If so, we will be glad to have it.

Mr. MILLER. No; that is all I want to call your attention to, these two cases of saloons in what are purely residential sections, and the fact that they have made those decisions, one as to a block that has one residence and one saloon, and call that an entire block, when it is only a few feet across from E Street to Maryland Avenue, the other as to a full street with 37 residences on it in the middle of the block which they do not consider at all, but count from B to C a full block, each time to get the saloon in.

The CHAIRMAN. Very well, Doctor. We are very much obliged to you.

TESTIMONY OF JULIUS I. PEYSER.

(The witness was sworn by the chairman.)

The CHAIRMAN. Give your full name.

Mr. PEYSER. Julius I. Peyser.

The CHAIRMAN. What is your occupation?

Mr. PEYSER. I am an attorney at law, a member of the firm of Darr, Peyser & Taylor.

The CHAIRMAN. What is your office address?

Mr. PEYSER. The Southern Building.

The CHAIRMAN. What is your residence address?

Mr. PEYSER. No. 1940 Biltmore Street.

The CHAIRMAN. How long have you been in the District.

Mr. PEYSER. All my life. I have practiced law here about 15 years.

The CHAIRMAN. Did you represent Mr. Bush in his efforts to get a license from the Excise Board?

Mr. PEYSER. I did.

The CHAIRMAN. Did you represent him in his efforts to get a license at the Evans Building and some other places?

Mr. PEYSER. Yes, sir; I did.

The CHAIRMAN. Please state the circumstances.

Mr. PEYSER. I was the attorney for Mr. Bush, and I understood that only three places could remain on E Street. I did not want Mr. Bush to run the risk of losing the license, so that I went down to see the board about it. I told them that while Bush had been there longer than anyone, longer than Miller, I thought I would rather look around and see if I could not find a place. I spoke to Gen. Smith, and it was in the presence of Mr. Baker. They asked me if I had any place in view. I told them no, but I wanted to find out how the board felt about it, and if I found a place I would come down. I came down two days thereafter. I had negotiated with a real estate broker to obtain the place in the Evans Building. Then they told me to go ahead and I went ahead and saw Chairman Smith—or Mr. Smith at that time, he was not chairman—Gen. Smith—and told him I wanted to post for Mr. Bush in the place now occupied by Mr. McCarthy.

The CHAIRMAN. The place now occupied as a saloon by Mr. McCarthy?

Mr. PEYSER. Yes. They told me they would not allow me to post at any railroad terminal. They also repeated the fact. They said "I think we told you that a short time ago." I had been down there to get the opportunity to post either for Mr. Rosenthal or Mr. Bush, I am not positive which one of my clients, where McMillan's place is located. I can not tell you where the place is, but it is on G Street.

The CHAIRMAN. No. 1421?

Mr. PEYSER. I would not like to say.

Senator THOMPSON. It is about there?

Mr. PEYSER. Yes, it is on the north side of the street. They refused to permit me to get a card for either Mr. Rosenthal or Mr. Bush, but a short while thereafter I saw a card posted for McMillan, and the license was granted; and we sort of talked over the circumstances about a railroad terminal, and I said I didn't see any reason, as long as I had got the permission of the owners of the Evans Building for the granting of a license, why they would not allow me even to post, and I said "Unless the objections come from the parties who own the property and are in that neighborhood;" but notwithstanding my insistence in the matter they refused to allow me to post. That was the second time.

The CHAIRMAN. To what railroad terminal did they have reference?

Mr. PEYSER. The G Street line terminal. The tracks stop at Fifteenth and G Streets, and the line that goes northeast stops at Fifteenth and New York Avenue.

The CHAIRMAN. Both of those will be street railroad terminals; they are terminals of street-car lines?

Mr. PEYSER. Of street-car lines entirely.

The CHAIRMAN. The Evans Building is the terminal of the line that comes down New York Avenue?

Mr. PEYSER. Yes, sir.

The CHAIRMAN. And the place where McMillan does business is the terminal for the line that goes out G Street?

Mr. PEYSER. Yes, sir.

The CHAIRMAN. Is it not also the terminal of the Washington, Baltimore & Annapolis Railroad?

Mr. PEYSER. Yes, but this place is at Fourteenth and New York Avenue, and that car generally goes to the end of the tracks at Fifteenth Street.

After the licenses were issued I went down to the board.

Senator THOMPSON. After the licenses were issued to whom?

Mr. PEYSER. I beg your pardon; these licenses were issued to Gerstenberg, Shoemaker, and Engel. I went down to the board and said "I understood this morning that Bush was to have his license." The rumors around the street were that the assessor had already inserted Bush's name in a license, and I wanted to know the ground of their refusing Bush. On account of the fact of his having been there 21 years and Engel having been there only 3 years, and the fact that Engel's record was not quite as good when he ran the Hotel Engel, I said I did not see any reason why Bush should not have his license. I said "It seems to me that there is some religious prejudice in this." I spoke to Bride. Bride said "Oh, no; I have no prejudices at all. We did not see fit to grant to Mr. Bush." I tried to question him as to why. Of course he declined to tell me; and I said "It is a very foxy way of playing the game." I said "Everybody ought to have a square deal in Washington. We are all taxpayers. I do not like the way things are done. I think there is some reason that is not on the surface, and I think the matter ought to be thoroughly sifted."

Senator THOMPSON. Had there been any charges against Bush when he conducted business previous to that time?

Mr. PEYSER. The police records as shown that day—and Mr. Shoemaker was there examining Bush—showed that there were no police charges against Bush whatsoever. He ran a saloon and he did not run an eating house; and I saw in the paper —.

Senator THOMPSON. How long had he run a saloon?

Mr. PEYSER. He must have been there 17 or 18 years.

Senator THOMPSON. All that time, and no charges against him?

Mr. PEYSER. None at all. Mr. Bride said that the question of the financial ability of Mr. Bush and the bad financial condition of Mr. Engel was one of the reasons.

The CHAIRMAN. Yes, he stated that here.

Mr. PEYSER. Yes. I will state he did not take that into consideration when he rejected Mr. Burdine on D Street, who had been in the business for a long time, and the only thing against him was that he was struggling hard to succeed. I represented the landlord in that case, the owner of the building, and I knew that Burdine had been running a good place and the only thing against him was

the low character of the neighborhood; and notwithstanding that fact they chopped Mr. Burdine's head off because he was financially embarrassed, and Mr. Engel they gave a seat of honor. I want to say this, that I do not belong to any antisaloon league, and I practice law here, and as a matter of duty I appeared for Mr. Bush, being paid for it. It was almost necessary for lawyers to appear down there because the board did not seem to comprehend the law as it ought to be comprehended.

The CHAIRMAN. We are much obliged to you, Mr. Peyser.

TESTIMONY OF PATRICK F. CARR.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your business?

Mr. CARR. I am in the retail liquor business at No. 3605 M Street, Georgetown, or West Washington.

The CHAIRMAN. Is that the place that was outside the fire limits when the present law went into effect?

Mr. CARR. Well, now, it was inside the fire limits, the way I understand, when the present law went into effect. There has been some contention about that.

Senator THOMPSON. When was it in the fire limits?

Mr. CARR. When was it in?

Senator THOMPSON. Yes; when was the place in?

Mr. CARR. I think on March 20, if I am not mistaken; but I am not sure that is the date.

Senator THOMPSON. You mean March of last year?

Mr. CARR. No, March, 1914. The fire limits were extended there just a block the other side—to a block beyond.

Senator THOMPSON. Was that or not previous to the law going into effect?

Mr. CARR. Previous to the law going into effect, according to the bill.

Senator THOMPSON. But the bill had passed, had it not?

Mr. CARR. It was after the law had passed. That is what you mean?

Senator THOMPSON. Yes, it was after the bill had passed? After the bill had passed Congress the fire limits were extended two blocks?

Mr. CARR. Application was made previous to that time, but it was on the 20th, I have learned since, that the fire limits were extended.

The CHAIRMAN. What cross street are you on, Thirty-fifth or Thirty-seventh Street?

Mr. CARR. I am just above Thirty-sixth Street, at 3605 M Street.

The CHAIRMAN. You mean that you are west of Thirty-sixth Street?

Mr. CARR. Now, pardon me; I will just make a statement to make your question right. I want to answer your question absolutely right. I do not want to make a mistake.

The CHAIRMAN. Yes.

Mr. CARR. The bill was passed on March 4, 1913, I think.

The CHAIRMAN. Yes.

Mr. CARR. The law was to take effect, as it is now being contended in the courts, on July 1, 1913?

The CHAIRMAN. Yes.

Mr. CARR. Between March 4 and July 1, 1913, the fire limits were extended—during that time.

The CHAIRMAN. Between March 4, 1913, and the day the law went into effect, the fire limits were extended from Thirty-fifth to Thirty-seventh Street?

Mr. CARR. That is exactly right.

The CHAIRMAN. And the effect of that extension was to bring you within the fire limits?

Mr. CARR. Well, no; I could not say that. If that was so, I would answer it.

Senator THOMPSON. Did that have anything to do with it?

Mr. CARR. It had this much to do with it. For three or four years that matter was talked over, and they were trying to get the fire limits extended in that neighborhood. Capt. Schneider, if he was here, could make that statement. I believe there is a law on file in the District of Columbia, and at the present time they desire to have the fire limits extended. In that neighborhood around there for about three blocks there was quite a lot of frame buildings, and the District authorities did not want any more frame buildings than they could possibly have in the neighborhood, and the people that had better property there—

The CHAIRMAN. Is it a fact that you were west of Thirty-fifth Street on March 4, 1913?

Mr. CARR. Yes.

The CHAIRMAN. And at that time you were not in the fire limits?

Mr. CARR. No, sir.

The CHAIRMAN. At that time you were not within, because Thirty-fifth Street was the limit?

Mr. CARR. Yes.

The CHAIRMAN. Then, regardless of whether you had anything to do with it or not, when the fire limits were extended to Thirty-seventh Street that took you in?

Mr. CARR. It put us on the safe side.

The CHAIRMAN. Yes.

Mr. CARR. Now, that is it.

Senator THOMPSON. Do you know why the commissioners took that action at that particular time?

Mr. CARR. I can not say that I know why. I was very glad that such an attempt was being made at that time, I can say that, and I would have lent any assistance to it I could.

The CHAIRMAN. Did you lend assistance to it?

Mr. CARR. When I was approached by a young man who had a petition, as I understood it, asking me to sign, I signed it. I was one of the signers of that petition, although there were several others on the petition at that time. I believe Mr. Shoemaker had his petition.

The CHAIRMAN. Was it not talked over at the time you signed the petition, and did it not occur to you, that if the extension was made it would throw you within the fire limits?

Mr. CARR. It occurred to me long before the bill passed. I had read a copy of the bill, and I would have liked very much indeed to have been fortunate enough to have had that done, because I was involved to the amount of \$25,000 in property there.

Senator THOMPSON. You were anxious to come within the required limits, as you understand it?

Mr. CARR. Yes, sir. I would have liked it very much, to have it done. My relatives owned property in that neighborhood. One particular one, a sister of mine, owns considerable of it.

The CHAIRMAN. When you came to get a license in November was this point brought up against granting your license, that this extension of the fire limits was made for the purpose of getting you in there? Was that point made at the hearing?

Mr. CARR. I heard Mr. Shoemaker say something about it. He said he made a protest.

The CHAIRMAN. Who represented you?

Mr. CARR. Mr. Rossa F. Downing, who is my attorney and has been for 20 years.

The CHAIRMAN. Did he represent you at the hearing before the Excise Board?

Mr. CARR. Yes; Downing was there.

The CHAIRMAN. Did he interrogate any of the witnesses at the hearing, or make any statement in your behalf?

Mr. CARR. I do not know that there was much interrogation. I think there was very little brought up at the hearing before the Excise Board. Previous to that time the Excise Board, owing to some question by Mr. Shoemaker and others as to the legality of my position there, gave a public hearing to my attorney, and there were there, I believe, five or six attorneys, and among them the corporation counsel before the Excise Board. I think at that time Mr. Sheehy was chairman of the board. I am sure he was. There was a hearing and we proved to the satisfaction of the attorneys and the board that we were legally within the safe zone. I think he had a brief there of 24 or 25 pages, and went over the law.

Senator THOMPSON. He took the position that that extension was made before the law went into effect, and hence you were within the fire limits?

Mr. CARR. Yes; and the same position is being now taken in the supreme court.

The CHAIRMAN. When you first saw this law and observed that if it passed in that form you were out of the limits, you consulted your attorney as to how it could be changed?

Mr. CARR. Not at that time. I saw at that time there was a movement to extend the fire limits, and I hoped it would be carried.

The CHAIRMAN. Your attorney had something to do with it?

Mr. CARR. I do not think I ever mentioned it to my attorney at that time. I knew that a movement was on foot for that purpose.

The CHAIRMAN. Did he not aid in having the limits extended so as to protect you?

Mr. CARR. My attorney? Not that I recall. If he did, I would be very glad to tell you, but I do not think he did.

Senator THOMPSON. That would have been in the line of his employment, would it not?

Mr. CARR. It was mostly gotten up by the people who were living right in the neighborhood where I lived, and my friends and relatives, as I stated to you. There was one particular gentleman there who took great interest in helping me.

Senator THOMPSON. Your interest all the time was to be on the safe side so far as operating your saloon was concerned?

Mr. CARR. I will admit that. I would have been glad to see that happen because I was interested in property there, and I owned that piece of property.

Senator THOMPSON. What did you pay your attorney for representing you at that hearing?

Mr. CARR. I paid my attorney all together for that, for the hearing and court proceeding, about \$600.

The CHAIRMAN. In connection with this?

Mr. CARR. Yes, in connection with this, going along.

The CHAIRMAN. What is the proceeding you refer to in court?

Mr. CARR. There are proceedings in court. The Old Dominion Railway Co. and the Antisaloon League combined, I believe—that is the way the bill is—have made a complaint, or in other words have charged, that the places there are causing an irreparable damage to the railroad company, due to the fact that their patrons generally complain against them, and the case is now in court and has been for about four weeks running.

The CHAIRMAN. How near are you to the Old Dominion station?

Mr. CARR. Their station is on the street just around the corner, at Thirty-sixth and M Streets. They have been trying to acquire that property for quite a long time. In fact, the whole community knows what they are after.

TESTIMONY OF MATTHEW E. O'BRIEN.

(The witness was sworn by the Chairman.)

The CHAIRMAN. Give your name and occupation?

Mr. O'BRIEN. Matthew E. O'Brien. Member of the bar.

The CHAIRMAN. How long have you been a member of this bar?

Mr. O'BRIEN. Since 1908.

The CHAIRMAN. How long have you been in the District?

Mr. O'BRIEN. Since 1908.

The CHAIRMAN. Where did you come from to this District?

Mr. O'BRIEN. Connecticut.

The CHAIRMAN. You heard the testimony of Mr. Shoemaker as to what Mr. Bride said to him about certain parties making collections?

Mr. O'BRIEN. I read it; I did not hear it. I was not here at the time.

The CHAIRMAN. Did Mr. Bride say anything like that to you?

Mr. O'BRIEN. Not the exact language as reported in the newspaper. I can tell you what Bride said.

The CHAIRMAN. Please state it.

Mr. O'BRIEN. I was counsel for the East Washington Civic Association, and as their counsel represented them before the Excise Board in protesting against anything in this East Washington section, and some particular saloons. One in particular was that of Patrick J. MacDonald, on Pennsylvania Avenue. He applied for a transfer, and the testimony disclosed that he was paying, within a month of the end of the license year, \$19,500, and at that hearing I gave notice that while we did not care who ran the saloon, he or the present owner, until the end of the present license year, at the end of that license year we would protest against the renewal of that license on the

ground that it was within the prescribed limit of distance from the Wallach School, and also, in my opinion, within 400 feet of the home of the National Spiritualistic Association, which I contended was a religious association; and I asked Mr. MacDonald if he was willing to take his chance and pay this amount of money and have it transferred for a month. Afterwards I had some talk with Mr. Bride and I got the impression from him that that transfer would not be granted. One evening a message came asking me to come over to Mr. Bride's house, and he said "They granted that license. The other two outvoted me, and they granted that transfer to MacDonald, and unless you people do something," he says, "I have spoken—I am going to speak—to Mr. Wilson and Mr. Shoemaker." He said, "Unless something is done they will just roughshod over all the protests that you have filed. I have stated to the other members of the board that we would all be called grafters if this thing was permitted." He said, "There was a rule of the board that no license could be granted, no transfer could be made, except by unanimous vote of the board. This afternoon they rescinded that rule." He said, "I am only a nonentity on the board. The other two members are going to run it. If you want to protect your clients in this end of the city, you have got to take some action to stop it."

The CHAIRMAN. Did he say anything to you about anybody making collections?

Mr. O'BRIEN. No; he did not say anything about anybody making collections, but he said he told them that, and he told them about their being seen with certain representatives of brewers, Michael Keane and others; that they could go if they wanted to, but he would not; that they would all get the reputation of being grafters if they voted for this.

Senator THOMPSON. He did not say what means should be taken to protect yourself?

Mr. O'BRIEN. What is that?

Senator THOMPSON. You say he used the words that you should take some action to protect yourself. Did he say what he meant by that?

Mr. O'BRIEN. Yes.

Senator THOMPSON. What was it?

Mr. O'BRIEN. He said, "I do not think anything will stop them unless you are strong enough to get a Congressional investigation."

The CHAIRMAN. We will be glad to have anything else, Mr. O'Brien, that you think of.

Mr. O'BRIEN. Well, I think it has all been covered. I represented the petitioners from this section of the city, and there are several thousand names to a blanket remonstrance or protest against any licenses being granted on Capitol Hill, our contention being that the few places of business in any of the blocks up here were to serve the wants of the immediate neighborhood, and that the whole surrounding was residential. We have not yet gotten a decision on that. We had a hearing on that, but we have not up to the present time gotten a decision on that; except that licenses were granted.

The CHAIRMAN. Very well. We are much obliged. Dr. Hickok, do you desire to take the stand?

Mr. HICKOK. I want to do whatever the committee wants me to do, Mr. Chairman.

The CHAIRMAN. We will be very glad to have you do so.

TESTIMONY OF PAUL R. HICKOK.

(The witness was sworn by the Chairman).

The CHAIRMAN. What is your name?

Mr. HICKOK. Paul R. Hickok.

The CHAIRMAN. What is your location and what is your vocation?

Mr. HICKOK. I am a clergyman, pastor of the Metropolitan Presbyterian Church, at the corner of Fourth and B Streets SE. My residence is No. 17 Fifth Street SE.

The CHAIRMAN. Have you had occasion to make protests before the Excise Board regarding licensing of saloons?

Mr. HICKOK. Yes; I have appeared before the Excise Board as a protestant in probably seven or eight or nine cases; possibly more.

The CHAIRMAN. What information can you give us with regard to some of those cases?

Mr. HICKOK. I think in every instance the cases in which I have appeared have been in the comparative neighborhood, in the community I represent; that is, in or near the location of the church or my residence. The church and my residence are within two squares of each other, and it is in that general region that is represented by the East Washington Civic Association.

Senator THOMPSON. Can you give the numbers of any places that you have protested against?

Mr. HICKOK. Yes.

Senator THOMPSON. And the circumstances surrounding them?

Mr. HICKOK. Yes.

Senator THOMPSON. Just do that, if you please.

Mr. HICKOK. In the first place, there was this application for a transfer to a site located on the south side of Pennsylvania Avenue between Sixth and Seventh Streets. I believe the applicant was a man named MacDonald.

Mr. O BRIEN. O Donnell.

Mr. HICKOK. MacDonald is the one further down, is he?

Mr. O BRIEN. No, O Donnell is the one further down.

Mr. HICKOK. This protest was on the one located between Third and Fourth, near Fourth.

Another instance was the case of an applicant who wished to go to a place on the north side of Pennsylvania Avenue between Third and Fourth, in a building where a moving picture establishment had been located. There was an application for a transfer onto East Capitol Street, on the north side, between Fourth and Fifth.

There was another application for a transfer to the south side of East Capitol Street between Fourth and Fifth.

I was going to mention the Mergner case. I am not certain that I did actually appear in that case. At any rate, that is perhaps sufficient answer to your question.

Senator THOMPSON. You might state the circumstances surrounding these particular cases and the reasons for your objection.

Mr. HICKOK. Practically every one of these cases had to do with saloons or proposed saloons in a general region that we regard as distinctly residential. For example, this group of saloons or proposed saloons near the Metropolitan Presbyterian Church, of which I am pastor, is in a community where there are probably eight or nine different churches within a radius of three squares, and in one instance

the proposition was for the location of a saloon which actually would have been only 8 feet from my church property; just across a narrow alley, actually only 8 feet away.

Senator THOMPSON. You stopped that, did you?

Mr. HICKOK. Yes; that was stopped. Another instance, however, in which we failed, was the establishment of a saloon on the south side of Pennsylvania Avenue between Third and Fourth, which we believe is actually within the 400-foot limit indicated in the law.

The CHAIRMAN. What place is that?

Mr. HICKOK. Is that the place of MacDonald or of O'Donnell?

Mr. O'BRIEN. O'Donnell.

Mr. HICKOK. On the south side of Pennsylvania Avenue between Third and Fourth. Measuring from the nearest door of the church to the street, and then directly down the street by the nearest line of travel directly to the door of the proposed site, it was within 400 feet. Pennsylvania Avenue and Fourth Street there make an acute angle, the space between being less than an angle of 90°. The way the distance was measured was by going clear across Pennsylvania Avenue on the diagonal. It did not cross Pennsylvania Avenue at right angles, but coming across on a diagonal to the angle of the acute angle, and then back, it made that distance more than 400 feet from the nearest door of the church, which we did not then regard as a correct measurement, and do not now regard as a correct measurement. This is the place to which I think reference was made by Mr. O'Brien, where an enormous expenditure of money was made near the end of the license year in the purchase of new property and the erection of new buildings, all of that with only a few weeks of business immediately before them.

Another case in which I was interested was that of what is known as the Mergner property on the south side of East Capitol Street, between Fourth and Fifth; at No. 415, I think. I am quite sure it was at No. 415.

The CHAIRMAN. Yes.

Mr. HICKOK. Has the Mergner matter been brought up?

The CHAIRMAN. Yes. We will be very glad to have you speak of it.

Mr. HICKOK. Almost immediately after the law was passed, and of course a long time before it went into effect, I was passing this property—it is just around the corner from my residence—and as I passed there I was interested and mystified to see two fences in process of construction, and the particularly singular feature was that one of the fences came directly across the sidewalk which had been in common use for a great many years in front of those stores.

Senator THOMPSON. This saloon happened to be the last place on the corner, did it not, on that block?

Mr. HICKOK. No; the saloon is not on the corner.

Senator THOMPSON. The saloon is not on the corner?

Mr. HICKOK. No, sir; and there are two or three places of business between the saloon and either corner; but there is a wide space there between the line of businesses and the curb, between the line of stores and the curb, and there is one sidewalk near the curb and another immediately in front of the stores. These two fences were in process of construction, one coming from the outer sidewalk to the line of the inner sidewalk and the other coming from the outer sidewalk clear up to the building.

Senator THOMPSON. When was that?

Mr. HICKOK. That was a very short time after the passage of the excise law. My recollection is that it was just within two or three weeks after the passage of the law, and, of course, a long time before it went into effect. I was mystified by it until I happened to recollect that just beyond my residence, at the corner of Fifth and A Streets SE., there is a school, and the erection of this one fence required that a person must go around that building instead of by the sidewalk which had been in use for many years, to go around three sides of the street, and then around by Fifth Street.

Senator THOMPSON. There is an outer sidewalk there?

Mr. HICKOK. There is an outer sidewalk as well as a sidewalk immediately in front of the line of stores.

I at once wrote a letter to the officers of the Anti-Saloon League, telling them what was being done, and prepared just a little rough chart of the appearance of the situation as it was; and I know that was presented at the time the hearing came up before the Excise Board; and it was such a palpable subterfuge that it aroused the resentment of a good many there, because it served to increase the distance by about 70 or 80 feet, and shut off the sidewalk only on one side. That is, there was no attempt at all to close the sidewalk on the side further from the schoolhouse, but only on the side nearer.

The CHAIRMAN. You state that you had been going by there for years before that?

Mr. HICKOK. Oh, yes. It has been an open sidewalk there all the while.

Senator THOMPSON. It is a cement walk, is it not?

Mr. HICKOK. Yes.

The CHAIRMAN. And you say this fence made its appearance shortly before the law went into effect?

Mr. HICKOK. Yes.

The CHAIRMAN. There are two fences?

Mr. HICKOK. There are two fences; one that entirely closed the travel over that sidewalk, and the other was left open.

The CHAIRMAN. The other fence was open?

Mr. HICKOK. Yes, the other fence was open.

The CHAIRMAN. Do you mean there was a gate in it?

Mr. HICKOK. No, sir. If you will allow me, I will demonstrate it, or make a drawing.

The CHAIRMAN. What do you mean by an open fence?

Mr. HICKOK. The fence came only to that sidewalk. There were two fences in process of construction.

The CHAIRMAN. On each side of the entrance to the saloon?

Mr. HICKOK. On each side of the space immediately in front of the saloon.

The CHAIRMAN. Yes.

Mr. HICKOK. The fence that was in process of construction on the east side of that space reaching from the sidewalk nearest the street clear back to the building, passing entirely across the sidewalk that was immediately in front of the line of the stores.

The CHAIRMAN. And that was the side of the entrance nearest the school?

Mr. HICKOK. Nearest the schoolhouse. The fence which was in process of construction on the west side of that space in front of the

saloon came from the sidewalk nearest the street just to the sidewalk that was nearest the line of stores.

The CHAIRMAN. I see.

Mr. HICKOK. Just to that point. There was no gate or no removable fence, or anything.

Senator THOMPSON. So that the stores west of the saloon would have the use of the sidewalk?

Mr. HICKOK. The stores west of the saloon had the use of the sidewalk. The stores east of the saloon had the use of the sidewalk just to that fence.

The CHAIRMAN. All right, Doctor. Is there anything else now?

Mr. HICKOK. I think that is all.

The CHAIRMAN. We are very much obliged to you.

(At 1.40 o'clock p. m. the committee took a recess until 3.30 o'clock p. m.)

AFTERNOON SESSION.

The committee met, pursuant to the taking of the recess, at 3.30 o'clock p. m.

Present, Senators Sheppard (chairman), Thompson, and Dillingham.

The CHAIRMAN. I desire to put in the record the following letter which has been sent to me:

(James A. O'Shea, attorney at law, 412 Fifth Street NW., Century Building.)

WASHINGTON, D. C., February 26, 1915.

Hon. M. SHEPPARD,
United States Senator, Chairman.

DEAR SIR: Having been advised that the special committee is about to close its hearings to-day and wishing to correct certain accusations and aspersions which have been cast upon the Marks Hotel and its proprietor, I would respectfully ask leave to submit the following which I trust may be printed in the record.

Mr. Marks came to Washington from Baltimore, where he had held a liquor license, and was fortified with letters from various influential and prominent men in Baltimore as to his standing while in Baltimore. Mr. Marks has endeavored in every way to conduct his hotel according to law, and had there been any violations, or had the place been such as insisted by the vice squad through Lieut. Catts and Detective Howes, it strikes me that in justice and fairness to Mr. Marks he should have been convicted of any alleged violation.

The report given by these gentlemen yesterday has received circulation through the newspapers and undoubtedly Mr. Marks has been placed in a false light before the public, and it is in order to correct this erroneous impression that this letter is addressed to your honorable body.

Should the board desire letters of character and good standing as far as Mr. Marks is concerned and the fact that he has a good police record, that the Excise Board acted upon this police record when it reissued him his license, I should be glad to submit the same.

Thanking you for your courtesy in the matter and assuring you on behalf of Mr. Marks that his only desire is to correct the impression coming from ex parte statements, I beg leave to remain,

Very respectfully,

JAMES A. O'SHEA.

TESTIMONY OF TIMOTHY HANLON.

(The witness was sworn by the chairman.)

The CHAIRMAN. What is your business?

Mr. HANLON. I am a saloonkeeper, sir.

The CHAIRMAN. At what place?

Mr. HANLON. 822 H Street NE.

The CHAIRMAN. When did you transfer to that place?

Mr. HANLON. My transfer was granted Christmas Eve, I think; around there.

The CHAIRMAN. Last Christmas Eve?

Mr. HANLON. A year ago.

The CHAIRMAN. From what place did you transfer?

Mr. HANLON. From Thirteenth and H Streets NE; the northeast corner of Thirteenth and H.

The CHAIRMAN. Was that near Wylie's Court?

Mr. HANLON. It was about 150 or 160 feet from Wylie's Court.

The CHAIRMAN. Your place is a corner place now, is it not?

Mr. HANLON. Yes.

The CHAIRMAN. What was the house used for before you took it?

Mr. HANLON. Mr. Reagan used it before me, for a private house. He had a plumbing place in the back.

The CHAIRMAN. He had a plumbing place in the back and lived in the front?

Mr. HANLON. Yes, sir; and lived in the front.

The CHAIRMAN. What did it cost you to rearrange the place for a saloon and put your bar in?

Mr. HANLON. It cost me about \$3,500.

The CHAIRMAN. What did it cost you, all together, to move and locate there?

Mr. HANLON. Well, not very much over that. It upset me, leaving my place and coming down there. I should think that I lost a great deal by leaving Thirteenth and H Streets and coming down there.

The CHAIRMAN. Is that a better stand for a saloon than your other place?

Mr. HANLON. I do not think so.

The CHAIRMAN. You do not think so?

Mr. HANLON. I do not think so.

The CHAIRMAN. Why did you transfer from it?

Mr. HANLON. I thought I was really affected by the location of a cooking school in the middle of the square.

The CHAIRMAN. What kind of a school?

Mr. HANLON. A cooking school.

The CHAIRMAN. Who told you that that would affect you?

Mr. HANLON. Nobody, only that I knew the school was there for some time myself, and I didn't want to take no chance, because I wanted to get in.

The CHAIRMAN. Did you consult a lawyer?

Mr. HANLON. No. I went to see the excise board about it.

The CHAIRMAN. About transferring?

Mr. HANLON. No, about what attitude they would take toward the neighborhood.

The CHAIRMAN. Toward the neighborhood and the school there?

Mr. HANLON. Yes.

The CHAIRMAN. What did they say?

Mr. HANLON. They didn't give me any decided answer. They told me the time would come when I would be heard on the case. I didn't want to take no chance.

The CHAIRMAN. Did you buy this place before you made application for a transfer?

Mr. HANLON. No, sir; I am just renting that place.

The CHAIRMAN. You are just renting that place?

Mr. HANLON. Yes, sir.

The CHAIRMAN. Did you make your lease and refit the place before you got a transfer?

Mr. HANLON. I got a lease for five years with the privilege of five more.

The CHAIRMAN. Before you asked for a transfer?

Mr. HANLON. Well, no; that was under the conditions that I should get my transfer.

The CHAIRMAN. Were you represented by a lawyer in securing the transfer?

Mr. HANLON. I was, sir.

The CHAIRMAN. Who was your lawyer?

Mr. HANLON. Mr. Mangan represented me at my first hearing, and Mr. Keane at my renewal.

The CHAIRMAN. The renewal last November?

Mr. HANLON. Yes, sir.

The CHAIRMAN. What did you pay Mr. Mangan?

Mr. HANLON. \$50.

The CHAIRMAN. \$50 to secure your transfer?

Mr. HANLON. Yes, sir.

The CHAIRMAN. Was that a retainer?

Mr. HANLON. Just a fee.

The CHAIRMAN. Just a straight fee to represent you whether you won or not?

Mr. HANLON. Yes, sir.

The CHAIRMAN. What was Mr. Keane's fee?

Mr. HANLON. He charged me the same.

The CHAIRMAN. And did you consider that you would need a lawyer to secure a renewal of your license there?

Mr. HANLON. I did, sir.

The CHAIRMAN. Were there any protests against the renewal? Was that why you felt you needed a lawyer?

Mr. HANLON. No, sir; I considered that the Antisaloon League had a lawyer fighting all those applications, and I thought it was necessary for me to have a lawyer to represent me. Mr. Shoemaker represented the Antisaloon League, and I couldn't really talk to Mr. Shoemaker like my lawyer would, so that I thought my business was worthy of a lawyer to represent me before the board.

The CHAIRMAN. Was there a church near you when you went over there?

Mr. HANLON. What church, sir?

The CHAIRMAN. Was there any church in the neighborhood?

Mr. HANLON. Not that I knew of. There was a little mission started up across the street when I made application there. That was started by a gentleman named Mr. Green. He started a little mission there, and placed the antisaloon placards there just at the time I had made application.

The CHAIRMAN. Was it not a Jewish synagogue that started over there?

Mr. HANLON. There was a little organization—I don't know whether it was a synagogue or not—at the time, of about 12 or 15 men that came there. They had for their president Mr. Fedderman, who was a wholesale liquor dealer, and they had come to me in the meantime and asked me if I would give them a little donation to buy a location for a church, and I refused them any donation. I told them no. At the time, the organization was over a tailor shop in Ninth Street. They had one room there.

The CHAIRMAN. Have they not since built a synagogue somewhere else?

Mr. HANLON. At a church property that Dr. Swem owned at Eighth and I Streets.

The CHAIRMAN. They did locate there finally?

Mr. HANLON. Yes, sir. Dr. Swem did not think it was big enough for his congregation, and he purchased a place between Sixth and Seventh Streets. That is now located in the Northeast Temple; and they decided to buy that and occupy it a short while ago.

The CHAIRMAN. The Northeast Temple?

Mr. HANLON. No, sir; but Dr. Swem's church is at Eighth and I Streets.

The CHAIRMAN. I thought you said they finally landed in the temple.

Mr. HANLON. Dr. Swem is located temporarily there—in the temple.

The CHAIRMAN. While his church is building, he is located temporarily in the temple?

Mr. HANLON. Yes, sir.

The CHAIRMAN. That is all, unless you want to say something more.

Mr. HANLON. The only real protest that I heard of against me was by my neighbor, Dr. Cole. I would like to state a few little facts about the matter.

The CHAIRMAN. Just sit down and state them. You have a right to state anything you please.

Mr. HANLON. It seems to me that Dr. Cole was the first person that aroused my curiosity about that neighborhood, in getting my license transferred, through his agent, Mr. Kennedy. He sent him to me, and Mr. Kennedy encouraged me to think that Mr. Hettinger, Mr. Brahler, Mr. Ross, and several other saloon keepers who it was a possibility would be affected by the law, were after Dr. Cole's property for a saloon. These are the talks that came to me about it. I did not worry any about it, because I took my time. Dr. Cole spoke against me yesterday, and that was a piece of malice upon his part, for the simple reason that after my license was transferred Dr. Cole came to me with my attorney, Mr. De Lacey, who will corroborate this statement, and he said, "You have made a mistake." He says, "That place is too small for your business. You need a place like mine," he says. I says, "It is too late now, Doctor." He says, "It is not late yet. You can do it yet." So that I said no more about it. I was sitting in the parlor, in the front room, you know, when he says, "Mr. Hanlon, I am awful sorry you are affected by the law, and," he says, "it is a nice place for a barroom." He says, "I am particularly connected with the District officials, and I have no doubt I can help you out in getting a license." I said, "Will you go around the

neighborhood with me and see how they are situated toward a saloon in the neighborhood?" He says, "No; I will not do anything like that; but," he says, "I am particularly connected with the officials of the District, and I can do you a lot of good. We are all with you here." He says, "Every man in the square is a drinking man. It is a wet square."

The CHAIRMAN. He said, "We are all wet men"?

Mr. HANLON. Yes, sir. He says, "It is a wet square. We are all drinking men, and there is no reason why you can not get a license."

The CHAIRMAN. Was that before you got your transfer?

Mr. HANLON. That was, and I had no idea of going in that neighborhood. I got the idea of going up there from Mr. Kennedy letting me know about that. That is all I have to say about that.

I was out front, speaking with a friend of mine who is a policeman, out there, and a policeman in the ninth precinct, and he came up and slapped this policeman on the back, and he says, "You might as well talk to this man all you want to now, because we will be losing him soon. Dr. Cole says all he is going to live for in this world now is to see Mr. Hanlon put out of business in that barroom next to him." I took the thing serious, and I said, "Will you testify to that, Mr. Beach?" He says, "I certainly will." I was standing at the corner of Fifteenth and H Streets, myself and Mr. Hayden, and he came up, and he says those words. So that Mr. Beach says, "Mr. Hanlon seems to be a good fellow, a law-abiding citizen," and he says, "We have a right to protect him all we can. This evidence might do him some good some way," and he says, "You remember that, Hayden." "All right," says Mr. Hayden. So that he will gladly come here.

Dr. Cole says there are no police officers in the ninth precinct. I fancy there are very efficient officers in that precinct, because they have kept me under their eye pretty close, and I have lived under the law, by the law, as close as possible, and done my best to meet the conditions of the business to the best of my ability. I have no mark against me in the 25 years I have been in the business.

The CHAIRMAN. There is no mark against you in the police court?

Mr. HANLON. No, sir; nothing in the police court, and nobody ever had occasion to call me down for anything.

The CHAIRMAN. How long had you been in business at the other place?

Mr. HANLON. Thirty months.

The CHAIRMAN. Before that what were you doing?

Mr. HANLON. I was at Pennsylvania Avenue, No. 1004, between Tenth and Eleventh Streets.

The CHAIRMAN. How long have you been in the barroom business?

Mr. HANLON. About nine years?

The CHAIRMAN. Are you a native of the District, or did you come here from some other State?

Mr. HANLON. I have been 15 years in the District of Columbia.

The CHAIRMAN. From what other State did you come here?

Mr. HANLON. I came to the District.

The CHAIRMAN. From where?

Mr. HANLON. I was an attendant at the Government Hospital for the Insane.

The CHAIRMAN. From what country did you come?

Mr. HANLON. I came from Ireland here.

The CHAIRMAN. From Ireland straight to the District of Columbia?

Mr. HANLON. Yes, sir.

The CHAIRMAN. From Tipperary?

Mr. HANLON. Not exactly; from Killarney. That is all I have to say, Mr. Sheppard.

The CHAIRMAN. All right.

TESTIMONY OF REV. JOHN McMURRAY.

(The witness was sworn by the Chairman.)

The CHAIRMAN. What is your location and calling, Doctor?

Mr. McMURRAY. I am pastor of the Union Methodist Episcopal Church, 814 Twentieth Street, NW. It is near Pennsylvania Avenue.

The CHAIRMAN. Will you give your experiences with the Excise Board, if you have had any, or with the granting of saloon licenses, or with their renewal or transfer?

Mr. McMURRAY. May I just say a word or two in parenthesis?

The CHAIRMAN. Just take your own time about it.

Mr. McMURRAY. For 20 or 25 years, ever since I have had very much to say about it, I have been opposed to saloons in one form or another. In Plainfield, N. J., I worked to secure a high license and restricted territory, that is having the saloons put in the residential section, which I did with some success in Jersey City, as Gen. Smith knows, and when I came to Washington I thought I would have absolutely nothing to do with saloons at all, because I thought I had had enough of it; but I had not been here very long before the people of our church and members of the Women's Christian Temperance Union asked me to see the Excise Board in regard to the transfer of Mr. Welch down on Pennsylvania Avenue, and to oppose the transfer on the ground that Pennsylvania Avenue between Twenty-first and Twenty-second Streets is not a strictly business section, but rather residential. Really Pennsylvania Avenue, I have been told by the board, has been declared to be a business section, but it is a question of whether or not there are not just as many residences there as there are business places. At any rate, investigating it, I found that over the stores, which are what one might call valet stores—I call them that because they are shoe-repairing places and places of that sort, and in only one instance, at the corner of Twenty-first and Pennsylvania Avenue, is there anything like business done outside of the people who live in the community, of that kind. Of course there are tailor shops and there may possibly be one or two dressmaking establishments, but in most cases the people live in the building where the business is done and are using the front part for business and the back part for residence, and over the places are two or three stories, and people are living there. I protested to the board against that, and I said that they ought not to grant the license for this saloon to Mr. Welch there because it was in a residential section of the city, with residences all around except just simply on Pennsylvania Avenue; and possibly on K Street between Twentieth and Twenty-first Streets, nothing but residences and these small tradesmen's businesses that are in a residence section and not a business section. It is a place in which I think the law ought to be interpreted to make the neighborhood a residence section.

Senator THOMPSON. Were 50 per cent of the buildings in the same block business?

Mr. McMURRAY. I understand that is a very close estimate. I understand from Mr. Shoemaker that he finds that less than 50 per cent is business; but the police captains reported as a result of the investigation that 50 per cent was. But I have told you the nature of the business that is there, what you might call valet service for the people who live there; that is, where you get barbering done, or get your shoes repaired, or get your coat pressed, or something of that sort. I say that is valet service, and is not business the same as a shoe store would be where they sell shoes or do other business of that kind. That is the way in which I have been taught to regard a business section, as a place where business is done and not where mere service of that kind is rendered; because if you begin that way, every boarding house and every dressmaking establishment and every millinery establishment would be classed as business, and you might get up a little business street in that way; but I do not regard that so, at all, and in that sense, I do not regard the block between Twenty-first and Twenty-second Streets as a business street. But Mr. Shoemaker tells me that even under those circumstances it is just a question of whether there are 50 per cent of those places that are taken up with business.

I protested against that before the board, and at the same time there were people who lived right next to the saloon of Welch which was located there, who owned the property, who protested to the board that the location of the saloon there would be a great damage to them, and it seemed as if the protest ought to be very strong and ought to be regarded, because there was no demand for the saloon. Nobody petitioned for it, but people did oppose it. People who owned property right next to the location of the proposed saloon opposed it. The license for that saloon was granted.

The CHAIRMAN. Was that transferred from somewhere else?

Mr. McMURRAY. Yes; it was transferred from Twenty-first and K Streets, or off down there. He wanted it transferred because the new law going into effect on November 1 would touch him and force him to move, and he wanted to locate there when there was an opportunity to do so.

The CHAIRMAN. Why would the new law affect him in his old place?

Mr. McMURRAY. Mr. Shoemaker can tell you that better than I. I have been here comparatively a short time and there are certain conditions that I have been unable to study out.

The CHAIRMAN. I understand it was a residence section, also?

Mr. McMURRAY. Yes; probably that is it. I understand that all of that is really a residence section.

The CHAIRMAN. How many people joined you in making this protest on the ground that it was a residence section?

Mr. McMURRAY. So far as the Welch case is concerned?

The CHAIRMAN. Yes.

Mr. McMURRAY. I could not tell you now, because I did not take the precaution at the time to count up the number. We thought it was sufficient to have protests from people who owned property in that vicinity.

The CHAIRMAN. What proportion of the people in that vicinity did you have?

Mr. McMURRAY. I do not believe I could tell you even that.

The CHAIRMAN. Was it a large number?

Mr. McMURRAY. Yes.

The CHAIRMAN. Comparatively?

Mr. McMURRAY. Yes, comparatively a large number. Some appeared before the board in protest, and others did not appear because they said it was scarcely worth while to appear before the board, "Because," they said, "we will be turned down; we will be browbeaten by some lawyer of the opposing side," or "it is no use to take our time to go down there under the circumstances to make a protest"; and of course they did not care to go. Others did not want to go because they said "If we go down there and protest we will be marked men, and our business will suffer in consequence." I have had experience enough so that I know enough not to submit a business man to anything of that kind. If he goes in and testifies he suffers in some way; otherwise the number protesting would be very much larger.

The CHAIRMAN. Was that the only ground of protest in that case?

Mr. McMURRAY. That was all; yes, sir.

The CHAIRMAN. What other place did you say you had had experience with?

Mr. McMURRAY. I also had experience with a place that has been licensed by the board as a wholesale place; the place of Mr. Henry, a grocery store. I protested against that because I thought it was within 400 feet of our church, and the board remeasured it after I made the protest and found that it came within the 400-foot limit. Before that it did not come within the 400-foot limit because, by a process of measurement which this or some other board had instituted, they made the measurement 450 feet. That was not a right-angle measurement, but it was a very peculiar measurement. I will try to explain how the measurement took place. Pennsylvania Avenue runs diagonally by our place, and it passes Twenty-first Street up to Twenty-second Street, and it runs in a diagonal direction.

Senator THOMPSON. When was this measurement made?

Mr. McMURRAY. This measurement was made by Mr. Bride. It must have been made by the board in 1913, or at least that measurement accepted by them; else the place would not have been licensed at that time. There is a provision of the law that forbids the putting of a place of that kind within 400 feet of a church. The measurement, of course, on Pennsylvania Avenue runs diagonally.

Senator Thompson. Did you see that measurement?

Mr. McMURRAY. I did not see the process of measurement, but I saw the process of the measurement that was made perhaps not by the board but by those who wanted to be sure that the measurement was accurate. Mr. Henry explained to me the process of measurement by which he reached 450 feet. He measured up Pennsylvania Avenue, up to just a little park we have there on the corner of Twentieth and Pennsylvania Avenue, and then measuring down in front of our church. Of course that was altogether out of the way as far as the measurement was concerned. It was not even on a straight line, and I called the attention of the board to the fact that by anything like not even an air-line measurement or anything of that kind, Mr. Henry's place was within 400 feet of the church, and I think

there was inclined to be a little protest against it. Anyway, the measurement was made and they found that it was within 400 feet.

Senator THOMPSON. They refused the license, then?

Mr. McMURRAY. They refused a wholesale license, and Mr. Henry bought a place which I do not think is more than 50 feet further down on Pennsylvania Avenue, further away from our church. I hold that according to the measurement, making a proper interpretation of the law as I found it in other places, Henry's place is still within 400 feet of our church. I do not know that without a diagram I can explain to you what I mean.

The CHAIRMAN. Have you actually made a measurement?

Mr. McMURRAY. I have not made it by line. I have paced it off, and it has been made by line by others.

Senator THOMPSON. We have a plat here.

Mr. McMURRAY. Have you a plat with regard to the Harvey case, Mr. Hart?

Mr. HART. It is not here; I will get it for you if you care to have it.

Mr. McMURRAY. By the way in which men walk or can walk undisturbed by anything that prevents them, walking entirely on property which belongs to the District of Columbia, it is possible to get from the front of our church to the front of Mr. Henry's store, at the present place where he has a license, in less than 400 feet.

Senator THOMPSON. How many feet do you make it to be?

Mr. McMURRAY. It is just a little over 300 feet; it may be 310 or 320 feet.

The CHAIRMAN. Did you protest against that place?

Mr. McMURRAY. Yes, sir; on the ground that even the new place was within the 400-foot limit of the church.

The CHAIRMAN. Did they measure that?

Mr. McMURRAY. I do not know whether the Board measured it or not. I only know that the Board granted the application and Henry received his license.

There is another case. I do not care about saying very much about it, because I am very friendly disposed toward Mr. Harvey, and therefore I did not enter into any protest against his license; but that is one of the cases under consideration at the present time. Measurements have been made showing that Mr. Harvey's place is within 340 feet of our church. Mr. Henry's place is nearer the church than Mr. Harvey's place is, so that if Mr. Harvey's measurement is 340 feet, Mr. Henry's place is less than that.

The CHAIRMAN. What kind of place is Mr. Harvey's place?

Mr. McMURRAY. Harvey has a restaurant, and I want to say that if all places were run as Harvey's is run, I do not think there would be any opposition to them at all. The only ground of opposition to that place is that it happens to be within 400 feet of our church; something that we are not responsible for, but it is within the 400-foot limit.

Senator THOMPSON. Could you not move the church?

Mr. McMURRAY. I think we have been thinking a little bit about that. It is a case of Mr. Harvey being obliged to leave or our being obliged to leave, I am afraid. We did not protest against that, because the case seemed to be so clear that he was within the 400-foot limit.

Another case which I protested was the case of Michael Raftery. He may be outside of the 400-foot limit from the three churches that are there. There is the Nineteenth Street Baptist Church, on Nineteenth and I, and there is the Western Presbyterian Church, which is just exactly back of Raftery's saloon, and I think by proper measurement would probably come within the 400 feet. It is possible that it is very close to the 400-foot limit of our church. But the ground on which I protested against Raftery was, first, that our section is a residential section; in the second place, it was that the saloon itself now occupied by Raftery was formerly occupied by Donovan, and Donovan did not apply for renewal of his license. He closed up his place a month or two before the expiration of his license, because it did not pay. Mr. Donovan said that it did not pay. He voluntarily went out of business. He said, "It is not worth while for me to ask for a renewal of license." The man who preceded Donovan gave up his license because it did not pay him there. We therefore protested on the ground that the saloon was not needed there under the circumstances. Mr. Raftery had been transferred from some place east. I do not know just exactly where he was, but he was transferred to the corner of Twentieth and E Streets. I do not know how he came to be transferred from where he was to Twentieth and E Streets, because right across from the former location of Raftery's, at Twentieth and E Streets, there is a colored Baptist church, which was established there in 1913. Mr. Raftery was transferred to Twentieth and E Streets, I understand, on May 14. I do not know how the transfer was made, but it seemed to me it was illegal, because this Baptist church is right across from the point to which Raftery has been transferred. Raftery's location, of course, was in a residential section, although on a business block. E Street between Nineteenth and Twentieth has been said by the board to be a business block, and therefore possibly under the circumstances Mr. Raftery had a right to stay there. I hold that if the board said that Raftery could not stay at Twentieth and E Streets because the block between Nineteenth and Twentieth Streets, although a business block, was in a residence section, and therefore ought to be considered as a part of the residential section, and the fact that that was not a business block was ignored when that was the ground of their contention—I hold that the contention as to the block between Twenty-first and Twenty-second on Pennsylvania Avenue likewise holds true, because that is equally in a residence section, and also possibly as to the block between Seventeenth and Eighteenth Streets. Between Eighteenth and Nineteenth Streets on Pennsylvania Avenue are two parks, and therefore that is not business. Beyond Twenty-second Street Pennsylvania Avenue is strictly residential, so that the point of contention is whether the block between Twenty-first and Twenty-second Streets might be properly considered a business block in the sense that saloons should be allowed there. We hold that it ought not to be thus considered. We opposed Raftery because the saloon that had been given up by Donovan—nobody had applied for a license for that place and it was evidently not paying, and no one seemed to talk of taking the place. It belonged to the Abner-Drury brewing concern.

After 297 licenses were granted and the three remaining ones were to be granted we understood that the Miller Bros. applied for

one of those three. We understood that another man somewhere east of us applied for another, and we were very much surprised to find that Michael Raftery had applied for one of the remaining licenses. He had been refused one at Twentieth and E Streets. It could not have been because of a residential question raised, because he was on a business block. I can not understand it. That is one of the mysterious things I can not understand. I have my own ideas of the situation. I do not know that I care to express them publicly, but I was told that Mr. Raftery was asked to consent to allow his license to be not renewed, and that if he could find a fit location against which no objection could be placed he would be granted a license. I do not think I am divulging any secret when I say I was informed that at a meeting of the board that if Raftery would not apply for renewal of his license at Twentieth and E Streets, if a proper location could be found against which no objection could be made, his license would be granted. We did not know that attempt would be made to start a saloon in Donovan's place until one day I saw a representative of the board come up there with a measuring line and measure from the Western Presbyterian Church and our place and the Baptist Church to the saloon at that time occupied by Donovan; and, knowing what I did, I came to the conclusion that possibly that was a part of the deal, and if they could find that Donovan's saloon was outside the range of 400 feet from our three churches the license would be granted; but it seemed to me to be an outrage under the circumstances, because Mr. Raftery has as his patronage out at Twentieth and E Streets a large percentage of colored people. His new location would be about four or five blocks from his old location. The natural thing for us to conclude would be that at least part of his patronage there would follow him up to his new location between Nineteenth and Twentieth Streets. Personally I objected to that because it would bring by our houses—and that has been verified by the result—on Twentieth Street, from his saloon on Pennsylvania Avenue between Nineteenth and Twentieth Streets, drunken negroes.

The CHAIRMAN. You mean by your houses, or by the churches?

Mr. McMURRAY. By our homes. I did not care to have either drunken white men or drunken negroes coming by our place singing ribald songs at 1 and 2 and 3 o'clock at night, disturbing the rest at our own home, not to say anything about people living in our neighborhood. That thing is being done more or less. I protested to the board under the circumstances, and I also stated that I could see no reason why Michael Raftery should receive a license, unless it was simply to obey the behests of the brewing and liquor interests. The building now occupied by Raftery is a building owned by the Abner-Drury Brewing Co., or at least it is held in the name of Drury, and the lawyer who came before the board to advocate the granting of a license for Raftery, I understand, is the attorney for the Abner-Drury Brewing Co.

Senator THOMPSON. Who is he?

Mr. McMURRAY. Mr. Keane. Likewise it seemed to me that Mr. Raftery was nothing more or less than an agent or representative of the Abner-Drury Co. for the sale of their beer, or whatever distilled liquors they had a mind to allow in that building. I protested to

the board and stated that I did not think that Congress in passing this law intended that the Excise Board should be the agent for any brewing company or liquor interests in furthering their interests, and that is what it would amount to, that the Abner-Drury Brewing Co. might have another depot for the sale of its products, and also that the liquor interests might have another depot for the sale of distilled liquors. I made the protest just as strong as I possibly could. I did that because I was requested to do so by the officials of our church, and I also represented others. You know how it is. The honorable members of this committee know that there are a multitude of people who, if they can find a mouthpiece, are willing to put everything upon him, and we are just simply flooded with requests to present their side where it can be heard. As a clergyman, I find that. When I came down this morning on the car a woman came to me and said, "If you have anything to say in behalf of our community to rid us of the saloons, I wish you would." Then she went on and cited the case of her own family, where it was touched. She knew that I was a minister and that I might have an opportunity to say something before this committee, or if I did not, that I might have an opportunity to say it to the press, or that I would have the opportunity to say it from the pulpit. People are coming to see me at my home asking me to do something for that section toward cleaning it up. That is the reason I have been interested in it, why I was interested in it before I came here and have been interested in it ever since.

I appeared before the Board of Excise a large number of times in regard to all those places in that section, because we wanted to clean it up. I want to say that I have received good treatment generally on the part of the board, I have not any fault to find with the treatment that I have received; but it is a case of their being very nice, and going on and doing what they feel like doing. I have come to the conclusion, I think very properly, Senator—I have come to feel—that they were a set of puppets in the hands of interests stronger than they are, either the liquor interests or political interests, or backed by the liquor interests of the country, and that they were not able to do the things that they wanted to do. I want to give them credit for that much, that I think they are all good men; but I think they can not do the things they want to do and would like to do.

The CHAIRMAN. Anything else, doctor, we would be glad to have?

Mr. McMURRAY. I have some other things, but I do not care to take up the time of this honorable committee with them.

Senator THOMPSON. You have covered the ground in your protests?

Mr. McMURRAY. Yes.

Senator THOMPSON. Have you entered any petitions when you made these protests?

Mr. McMURRAY. No; I have not.

Senator THOMPSON. You did not present any petitions to the board?

Mr. McMURRAY. No; I did not, because other agencies did that. The Women's Christian Temperance Union got up petitions and presented them to the board. I myself wrote a personal letter in every case to the board in behalf of our church.

Senator THOMPSON. There were petitions of protest in these cases?

Mr. McMURRAY. Yes; and I represented our church, the constituency of which lives in that immediate neighborhood.

Senator THOMPSON. You made a statement before the board?

Mr. McMURRAY. Yes, in each case; and I think the public press will bear out that statement, because there were some items in the press in regard to the way in which I was turned down by the board. I want to say, too, that I have no feeling of malice toward the board; I have the highest respect for them, and if there was any way at all in which I could avoid saying the things I am forced to say, I would not do it; but I simply can not do it. The people of our community are after me to try to do something to clean up that community. It is a residential section, and we do not want the saloons up there, because you know what they stand for as well as I do. We have had some of the saloons cleaned out there; and some real estate people have said to me that property values are increasing as the result of the cleaning out of those saloons. I hope there will be some more of the same kind.

ADDITIONAL TESTIMONY OF DR. JOHN T. COLE.

The CHAIRMAN. You heard the testimony of Mr. Hanlon?

Mr. COLE. Yes, sir.

The CHAIRMAN. Proceed in your way to make any comment that may occur to you.

Mr. COLE. I wish to disabuse Mr. Hanlon's mind of any idea of there being any malice in my remarks here yesterday. I was not after Mr. Hanlon. But I am not so easy as the doctor who gave such a pleasant recitation just now. I am after the Excise Board, not Mr. Hanlon. I object to the saloon being next to my home and office. As to negotiations pending for my property through Mr. Hanlon, when the Jones-Works bill was passed it was rumored around the neighborhood that that would be a wet block, and I had numerous demands over the telephone as to the price of my property, and to know if I would sell. When I learned that the liquor people were after locations, I then thought of selling, to get out of it. It wound up by applications for licenses on either side of me, one at No. 818—I live at No. 820—and Mr. Hanlon's place is No. 822. If I could have sold at that time, I would have sold. That has all been covered at both hearings. There is no secret about it. But what I do want to emphasize is that I have no malicious feeling toward Mr. Hanlon.

The CHAIRMAN. Your object in wanting to sell was to get out of the vicinity into which you felt a saloon was coming; was that the idea?

Mr. COLE. I was afraid of it, and it has been a thorn in my side ever since I have been there. That is about all I have to say in regard to it.

The CHAIRMAN. Very well, sir.

Gen. Smith, would you mind taking the stand again for a few minutes? Senator Thompson wants some information about a place at the corner of Fourteenth and U Streets.

ADDITIONAL TESTIMONY OF ROBERT G. SMITH.

Senator THOMPSON. General, you were asked yesterday about saloon places where intoxicating liquor was sold in the city under license. Do you know of any double doors or double arrangements where liquor is sold under a single license in such places?

Mr. SMITH. You have just mentioned the place at Fourteenth and U.

Senator THOMPSON. You know of that place?

Mr. SMITH. That is a half circular bar, and the colored are served on one side and the whites on the other; an arrangement that seems better than to have them mixed at the one bar.

Senator THOMPSON. There are two buildings there, are there not—two entrances?

Mr. SMITH. There is only one entrance now.

Senator THOMPSON. That is No. 1942-1944. That is right, is it not?

Mr. SMITH. I think it is No. 1942.

Senator THOMPSON. There is just one license, anyhow, to O'Hanlon & O'Connor?

Mr. SMITH. There is one license and one barroom.

Senator THOMPSON. The fact is that there are two rooms?

Mr. SMITH. It is all one room.

Senator THOMPSON. And there was at one time a solid partition between the two, and there is an opening?

Mr. SMITH. It is not used now.

Senator THOMPSON. That is the way it was originally?

Mr. SMITH. It may have been. I have never seen it.

Senator THOMPSON. Anyhow, there is an opening to accommodate a bar for the two rooms?

Mr. SMITH. The wall is where it used to be, I presume.

Senator THOMPSON. Do you not remember about the bar running on both sides of that center partition?

Mr. SMITH. Yes.

Senator THOMPSON. And around through the opening?

Mr. SMITH. Yes.

Senator THOMPSON. That would really be a bar in two rooms?

Mr. SMITH. A bar in two rooms, if you will have it so.

Senator THOMPSON. Is it not a fact? I just wanted to know what the truth of it was. Do you know of any other place like that in the city?

Mr. SMITH. Yes; I do.

Senator THOMPSON. Where else?

Mr. SMITH. At the corner of Fourteenth and Rhode Island Avenue.

Senator THOMPSON. That is the John F. Manahan Co.?

Mr. SMITH. Yes.

The CHAIRMAN. They have a similar arrangement there?

Mr. SMITH. Yes.

Senator THOMPSON. What is the situation there as to the building?

Mr. SMITH. One room with a circular bar, or a half circular bar; whites on one side and colored on the other. That is, according to our inspection. I do not know—

Senator THOMPSON. They draw the color line in the saloon business sometimes?

Mr. SMITH. They try to do that in some places.

Senator THOMPSON. Do you know of any other places, general?

Mr. SMITH. I do not recall any.

The CHAIRMAN. Do you remember how many restaurant licenses, or what you call restaurant licenses, have been issued?

Mr. SMITH. Fifty-one.

Senator THOMPSON. Generally, where a restaurant license is issued it indicates both a bar and sale at the tables, does it not, or in the restaurant?

Mr. SMITH. Yes. The restaurant licenses entitles the holder to serve intoxicating liquors at a bar or in the dining room only.

Senator THOMPSON. Under the law are there not simply two licenses, what you call a barroom license and a wholesale license?

Mr. SMITH. Yes.

Senator THOMPSON. How do you make that distinction?

Mr. SMITH. But there is a paragraph that provides for the recognition of restaurant establishments, if after the inspection the Excise Board sees fit to—

Senator THOMPSON. That is in connection with the bar?

Mr. SMITH. Oh, yes. Why should the Excise Board be interested in an establishment that does not sell liquors?

Senator THOMPSON. I beg your pardon; I did not understand.

Mr. SMITH. I say the Excise Board would have no authority over an establishment that did not sell liquor.

Senator THOMPSON. I was trying to get at whether it was a distinction that you had made by your rules, or how it was arrived at. The law seems to indicate two kinds of license, one a barroom license and the other a wholesale license. The board, as I understand it, makes another subdivision and calls one of the licenses a restaurant license, which includes both barroom and restaurant.

Mr. SMITH. No; I think paragraph 14 will bear me out.

Senator THOMPSON. It may be. You say paragraph 14 authorizes that? Section 14 of your rules says:

SEC. 14. There shall be three classes of barroom licenses, as follows:

That is simply a rule of the board, is it not?

Mr. SMITH. No; I am looking for—

Senator THOMPSON. Anyway, there is what you call a restaurant license to which is usually attached a barroom, is there not?

Mr. SMITH. Yes. When I say 51, I mean 51 licensed restaurants with the privilege of dispensing intoxicating liquors.

Senator THOMPSON. As a restaurant and as a bar?

Mr. SMITH. Yes.

Senator THOMPSON. It indicates in most places two places where the liquor is sold or used or drunk?

Mr. SMITH. Yes.

Senator THOMPSON. That is all.

Mr. SMITH. Thank you.

Senator THOMPSON. If there is any statement you have to make we will be glad to hear it.

Mr. SMITH. I am an unfortunate culprit before this august body, and it does not seem fair for a gentleman, particularly one of the cloth, to come here and malign, abuse, and scandalize. I am surprised that a man of his cloth would do such a thing, and afterwards meagerly apologize for it. What did he say they were—puppets?

Senator THOMPSON. No; he was giving simply his final conclusion.

Mr. SMITH. No; he was referring to the members of the board; and I think I might have had one champion on the committee who would ask that that be taken back.

The CHAIRMAN. You said about as much as he did, so that you have got no kick coming.

Mr. SMITH. Well, if we stand even here, I am satisfied so long as we are even.

Senator THOMPSON. We regard what he said as only a personal opinion.

The CHAIRMAN. Yes. You will have your opportunity, General.

Mr. SMITH. I still have the opportunity of answering, have I not?

The CHAIRMAN. Yes. •

Mr. SMITH. Thank you.

The CHAIRMAN. The committee is going to stand adjourned now, so far as the taking of testimony is concerned, until 10.30 o'clock, Monday morning, and if at that time anybody wishes to be heard in rebuttal of anything that has been said, or regarding anything else in connection with this inquiry, they will be heard at that time; and this statement will be given to the papers.

(At 6.15 o'clock p. m., the committee adjourned until Monday, March 1, 1915, at 10.30 o'clock a. m.)

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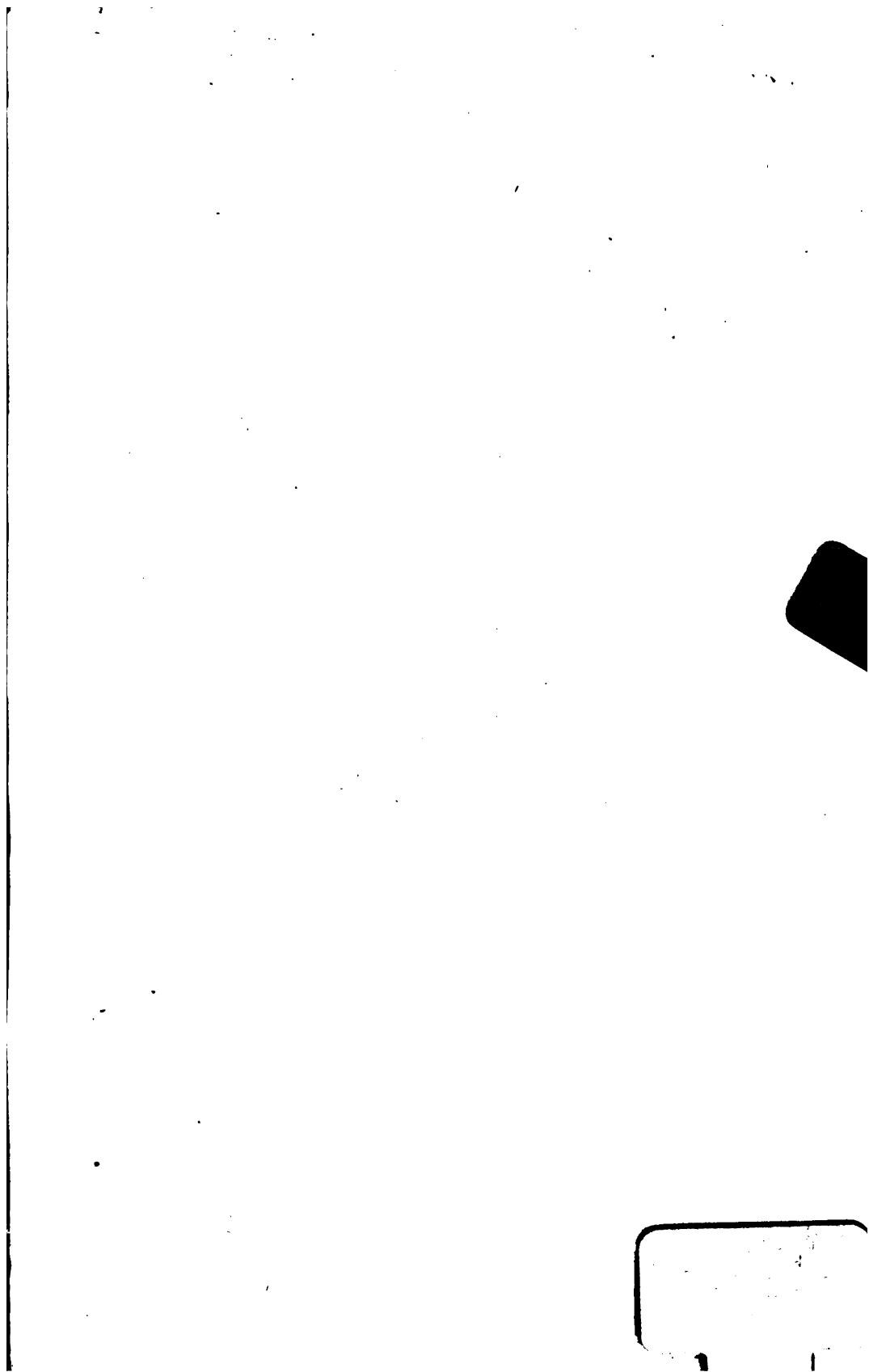
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